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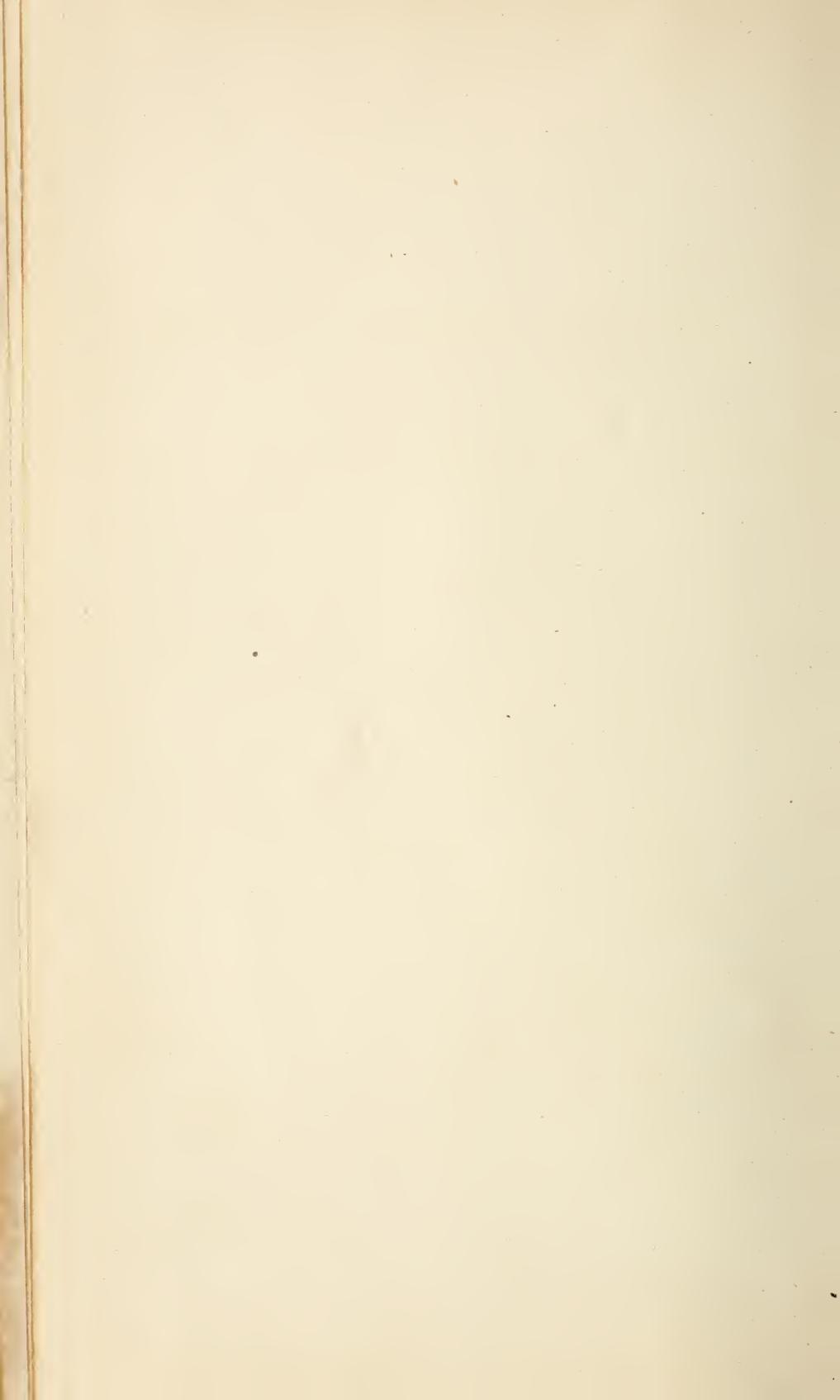


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pt. 3
51001
F. & D. No. 4074.
I. S. No. 1566-d.

Issued February 28, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2001.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James L. Appley, Canterbury, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated. The product bore no label.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 11,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 8,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 2,000,000 of which were of the acid type; 10,000 gas-producing organisms in bile fermentation tubes after 2 days' incubation. Total solids, 10.38 per cent; fat, 3.20 per cent; solids not fat, 7.18 per cent. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On July 23, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 22, 1912.

71295°—No. 2001—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2002.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jake Boratz, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated. The product bore no label.

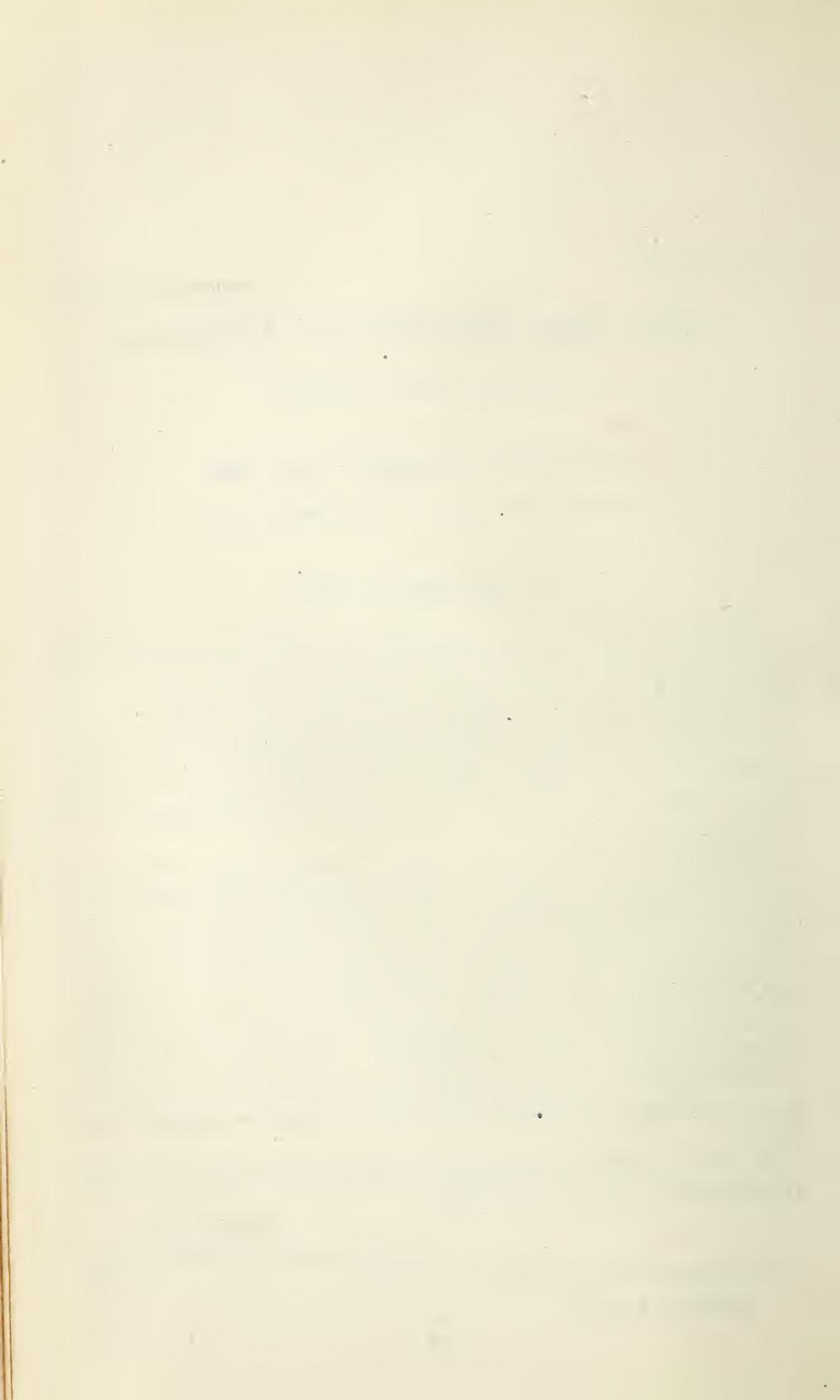
Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 12,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 13,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, all of which were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 100,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On July 19, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 22, 1912.





F. & D. No. 4077.
I. S. No. 2396-d.

Issued February 28, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2003.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter L. Burdick, Jewett City, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 6, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated. The product bore no label.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 12,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 10,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 3,000,000 of which were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 100,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

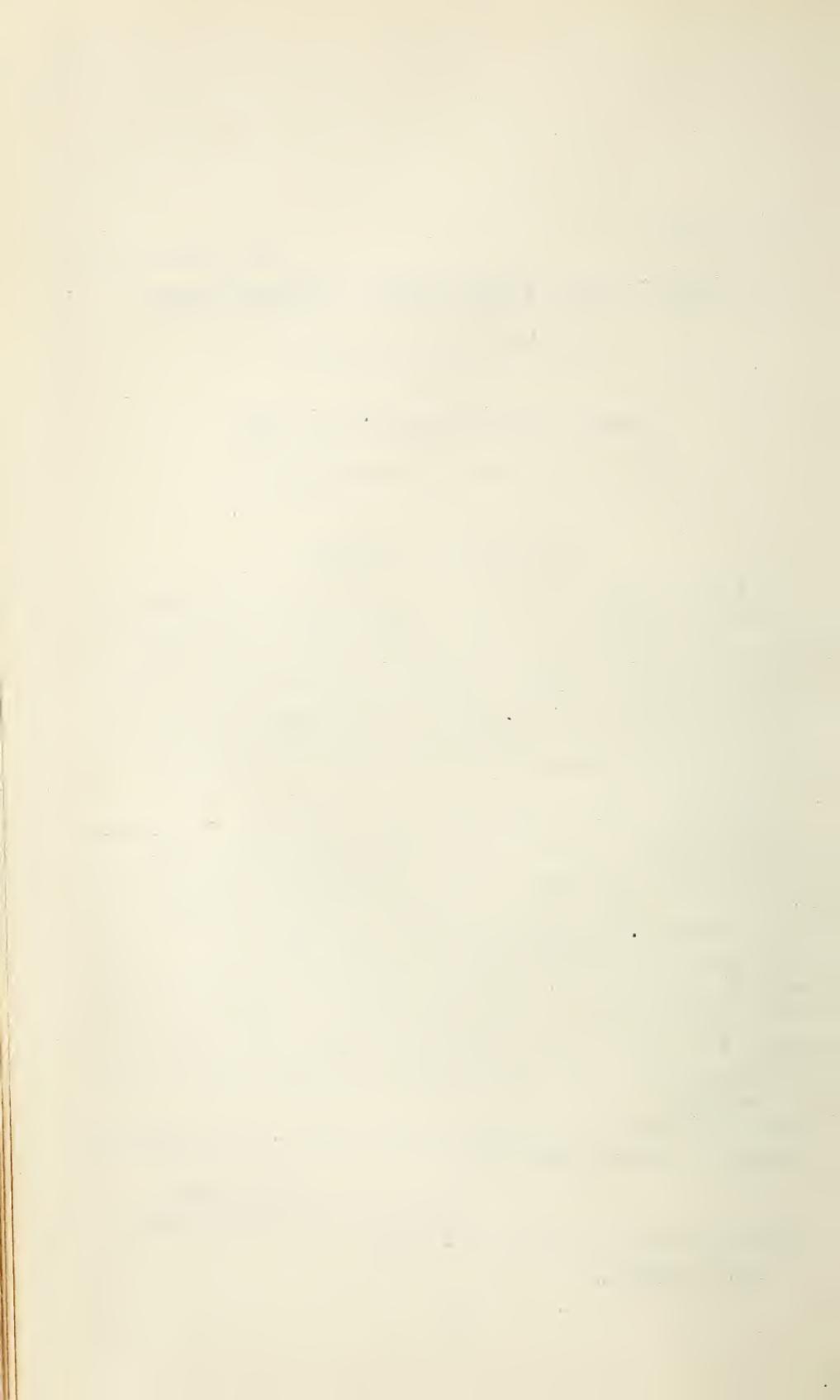
On July 23, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 22, 1912.

71295°—No. 2003—13





F. & D. No. 4078.

I. S. No. 3124-d.

Issued February 28, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2004.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert F. Bennett, Norwich, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 8, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated. The product bore no label.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 6,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 7,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 1,000,000 of which were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 1,000,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

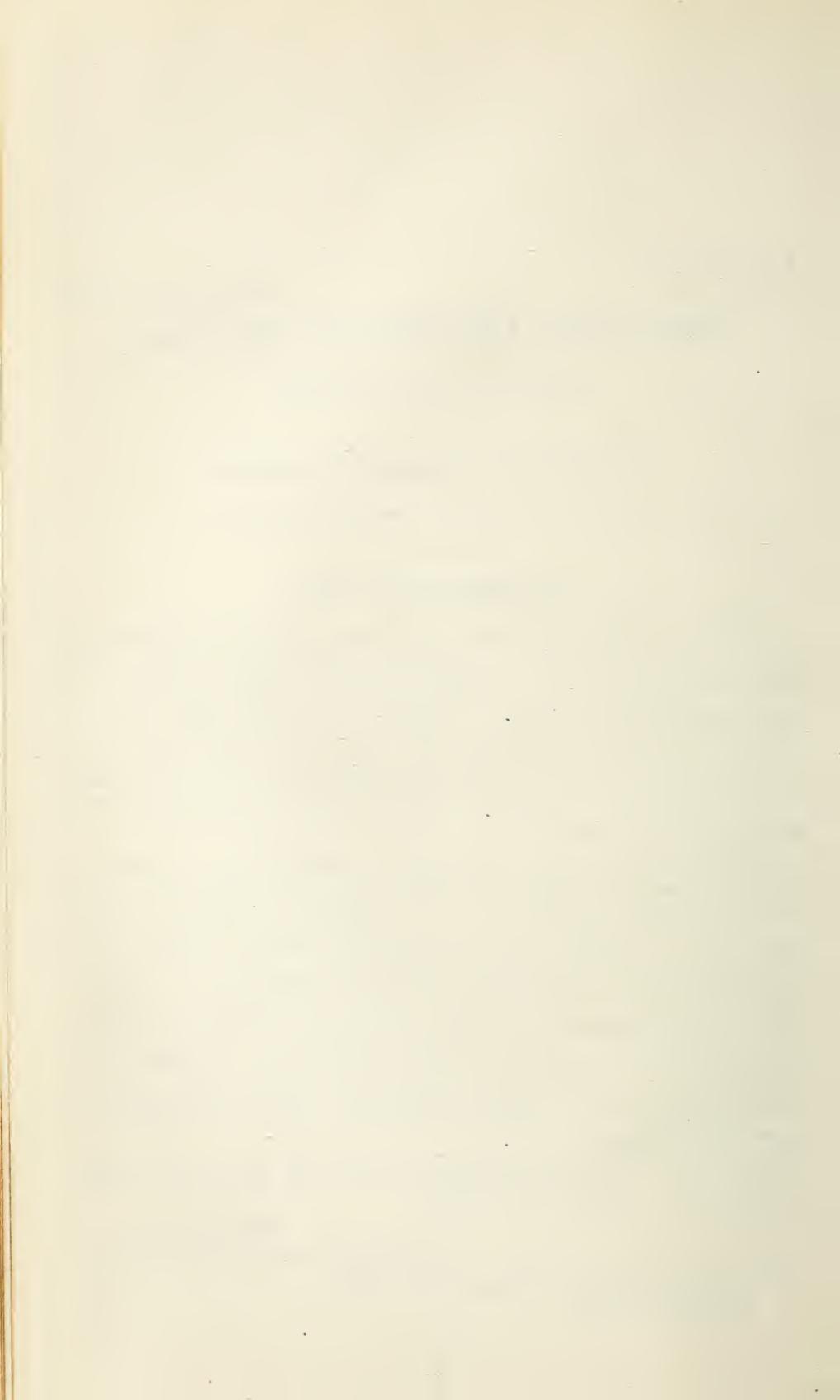
On July 23, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., November 22, 1912.

71295°—No. 2004—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2005.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Earl Bennett, Norwich, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 8, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated. The product bore no label.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 2,100,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 4,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 2,000,000 of which were of the acid type; 100,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 10,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

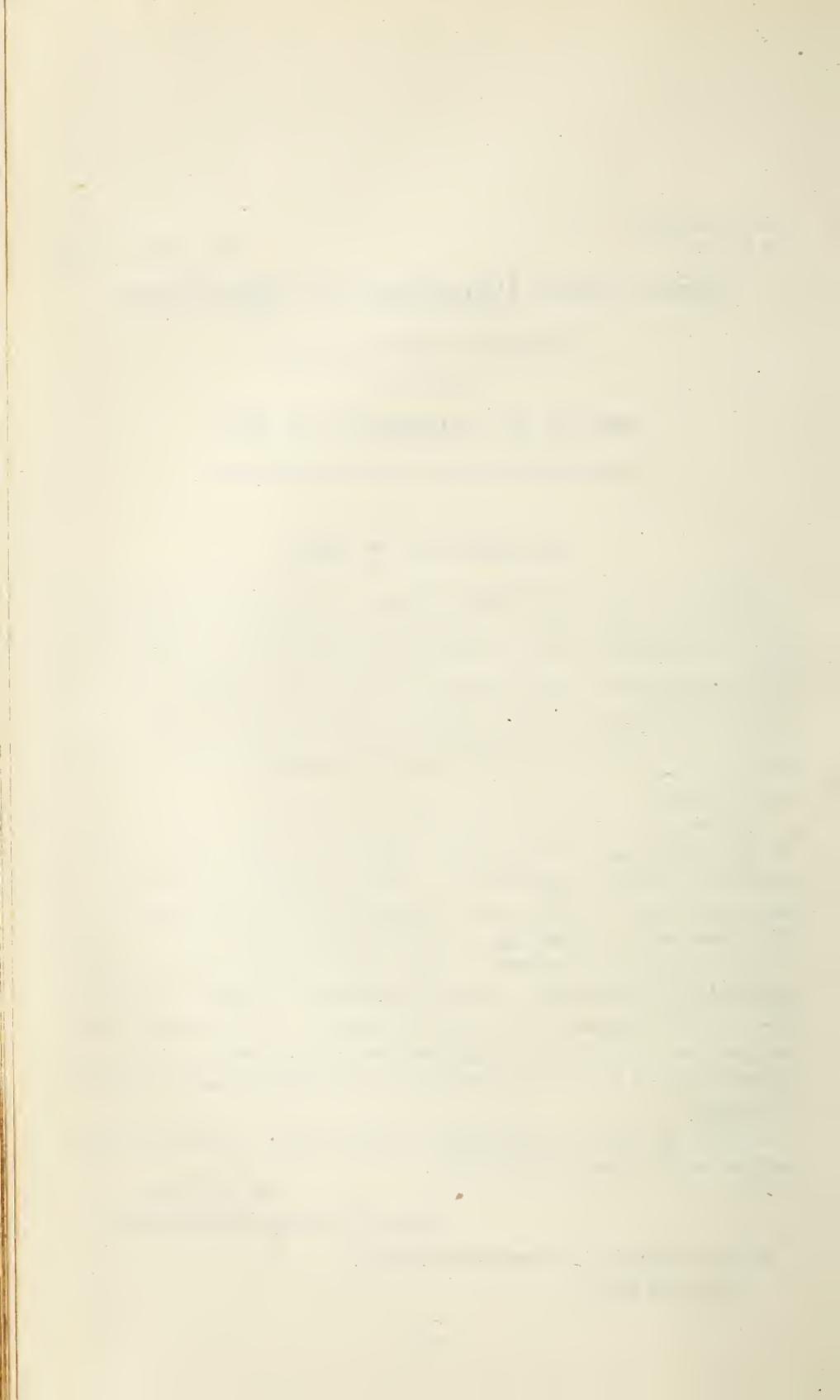
On July 23, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 22, 1912.

71295°—No. 2005—13





F. & D. No. 4080.
I. S. No. 13238-d.

Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2006.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Isaac Bernstein, Chestnut Hill, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 8, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated. The product bore no label.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Total solids, 11.42 per cent; fat, 3.4 per cent; solids not fat, 8.02 per cent. Adulteration of the product was alleged in the information for the reason that water had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and in that water had been substituted wholly or in part for the milk.

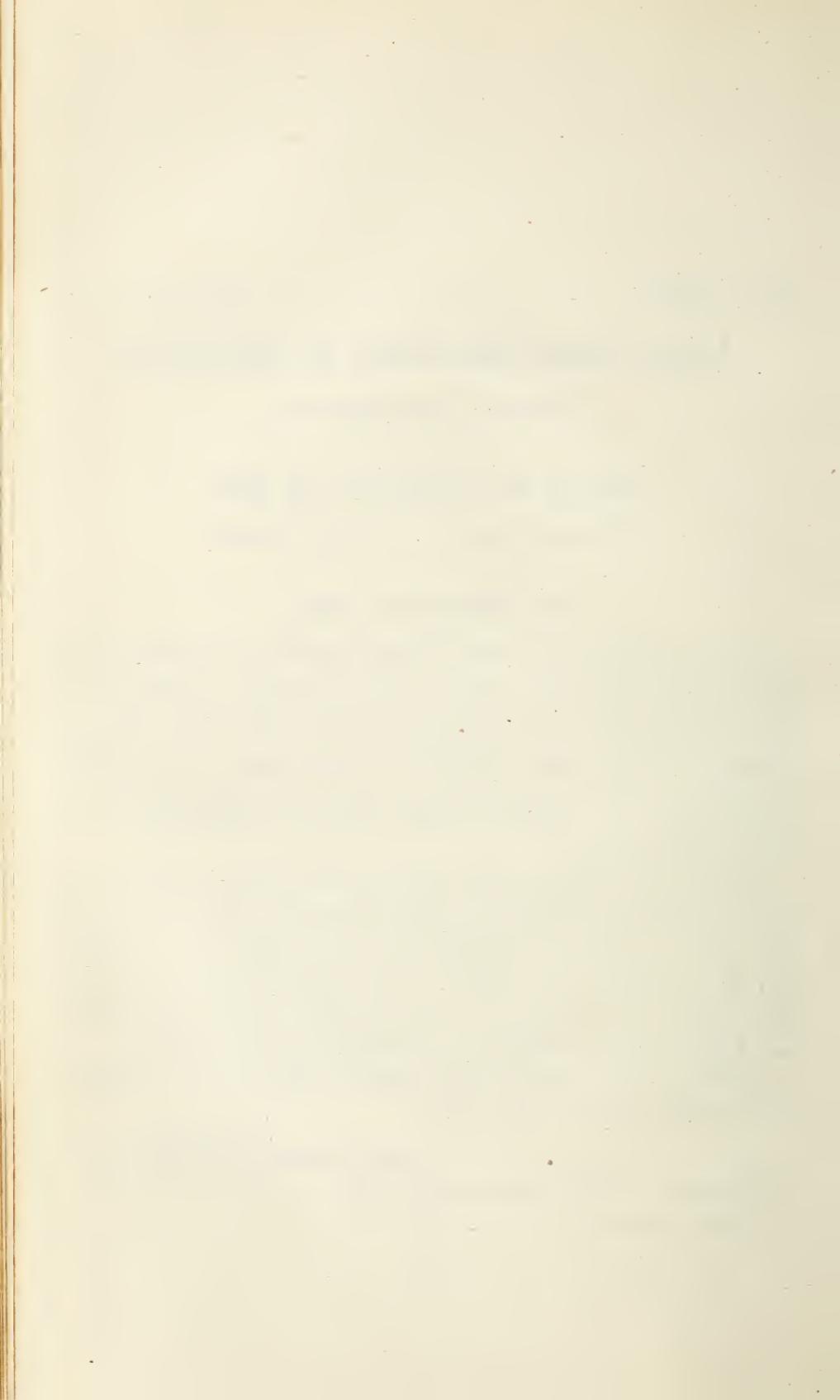
On July 19, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 22, 1912.

71295°—No. 2006—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2007.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. E. Thompson, North Stonington, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 8, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 4,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 6,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 1,000,000 of which were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 100,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

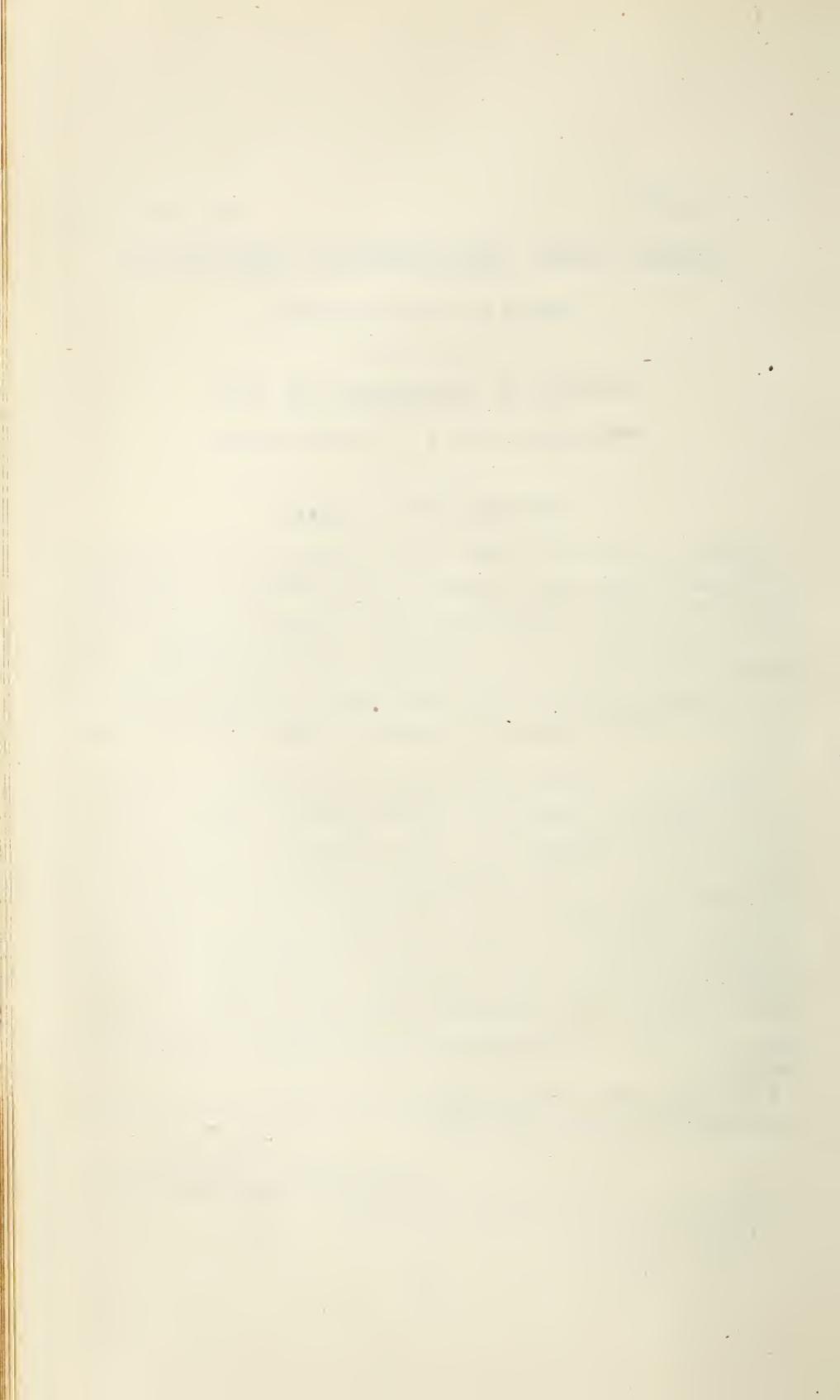
On July 23, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 22, 1912.

71295°—No. 2007—13





F. & D. No. 4082.
I. S. No. 2422-d.

Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2008.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Samuel Winstein, Leonards Bridge, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 8, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Total solids, 11.97 per cent; fat, 3.15 per cent; solids not fat, 8.82 per cent. Adulteration of the product was alleged in the information for the reason that a valuable constituent of the article, to wit, fat, had been wholly or in part abstracted.

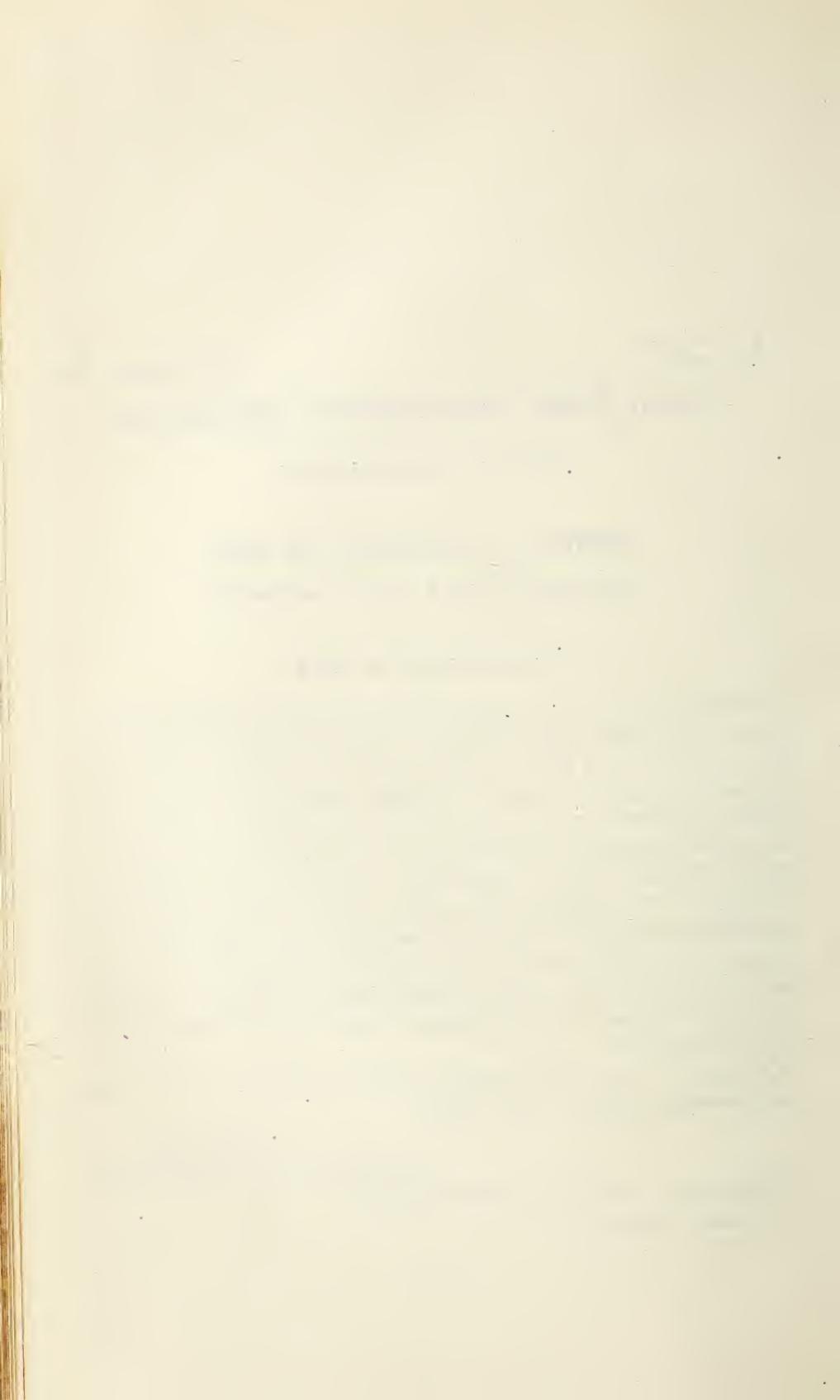
On July 19, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 22, 1912.

71295°—No. 2008—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2009.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against L. Selzer, Versailles, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 6, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Total solids, 10.02 per cent; fat, 2.45 per cent; solids not fat, 7.57 per cent. Adulteration of the product was alleged in the information for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and in that water had been substituted wholly or in part for the milk.

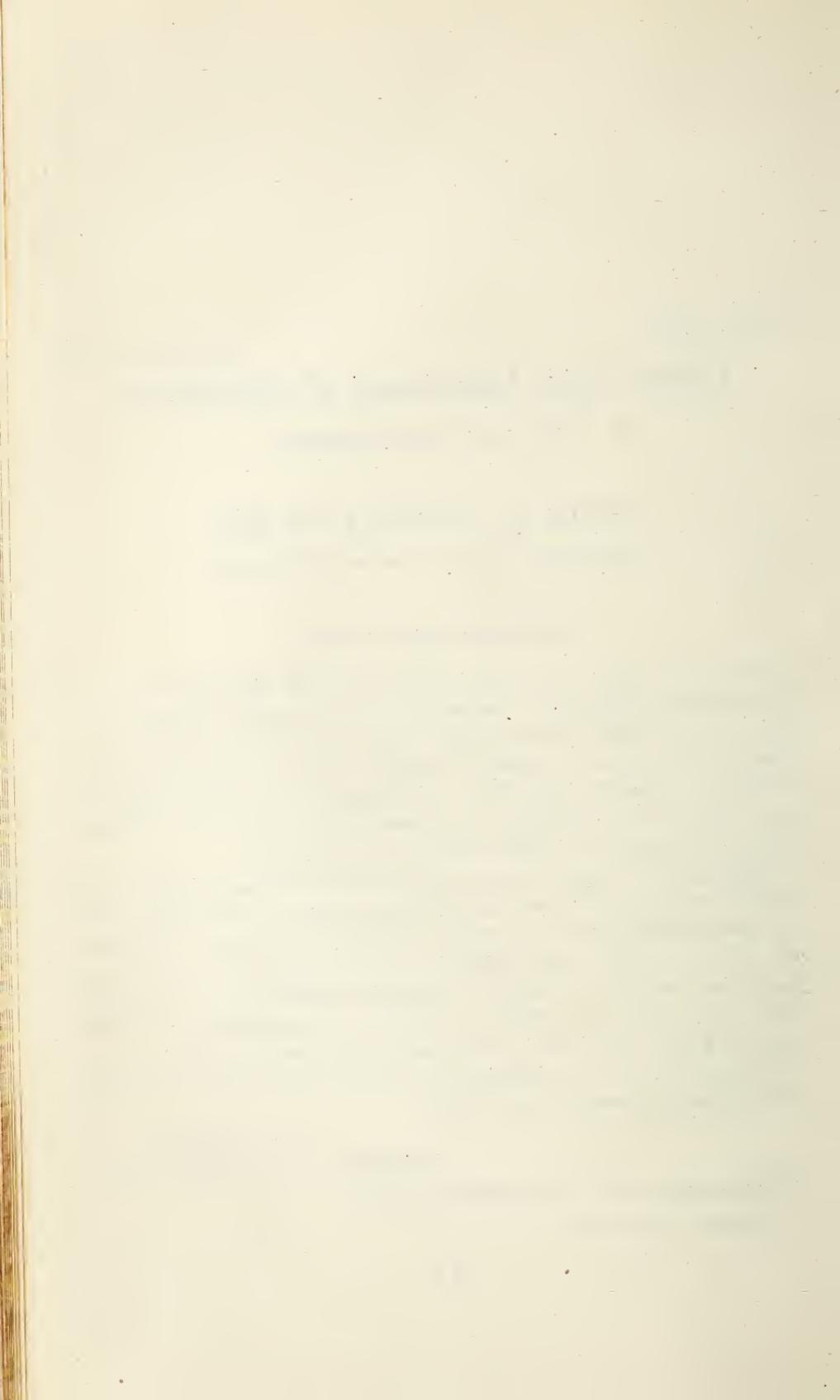
On July 23, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 22, 1912.

71295°—No. 2009—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2010.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Isaac Sekinsky, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 12,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 13,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, all of which were of the acid type; 100,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 1,000,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

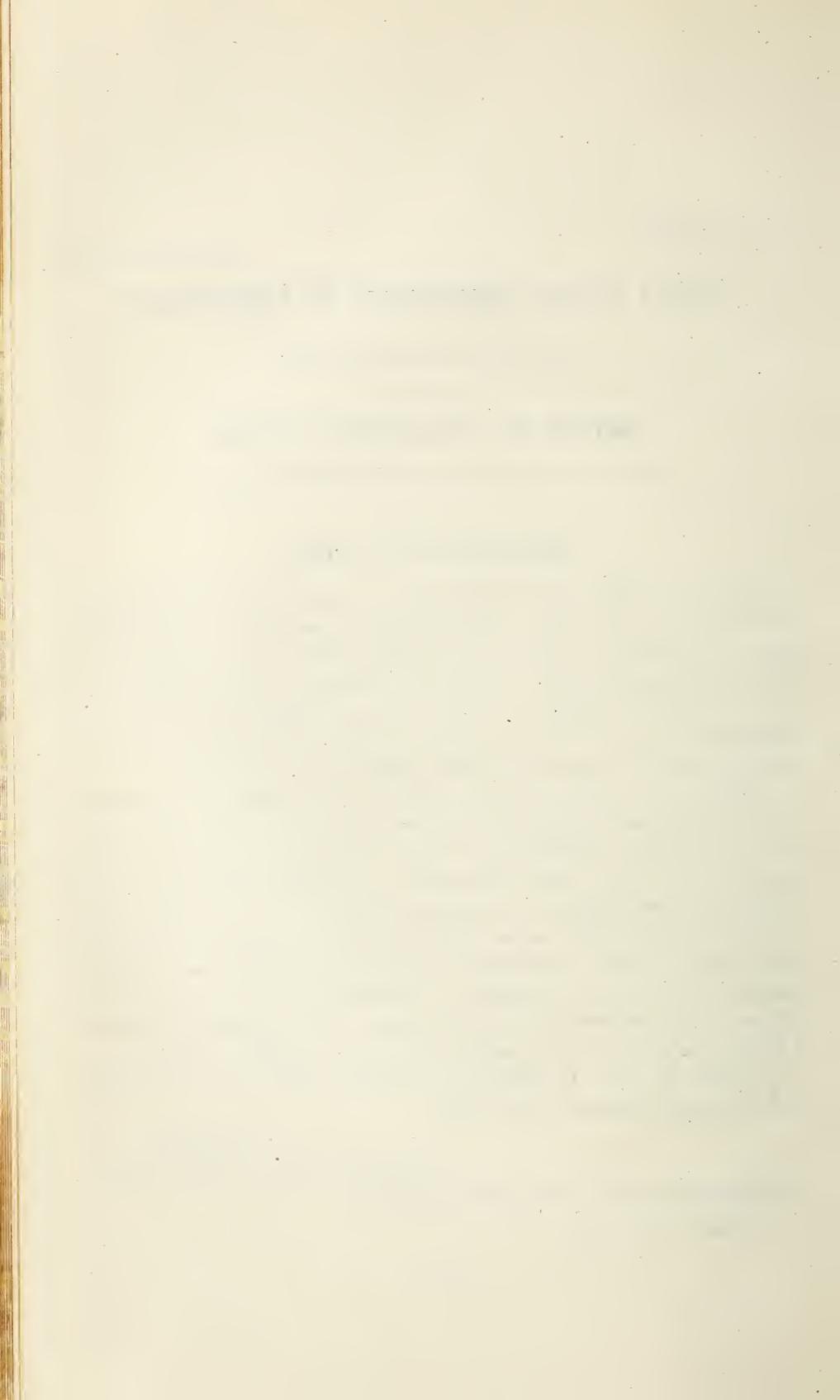
On July 19, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 22, 1912.

71295°—No. 2010—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2011.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry Soloway, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 800,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 5,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 1,000,000 of which were of the acid type; 10,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 10,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

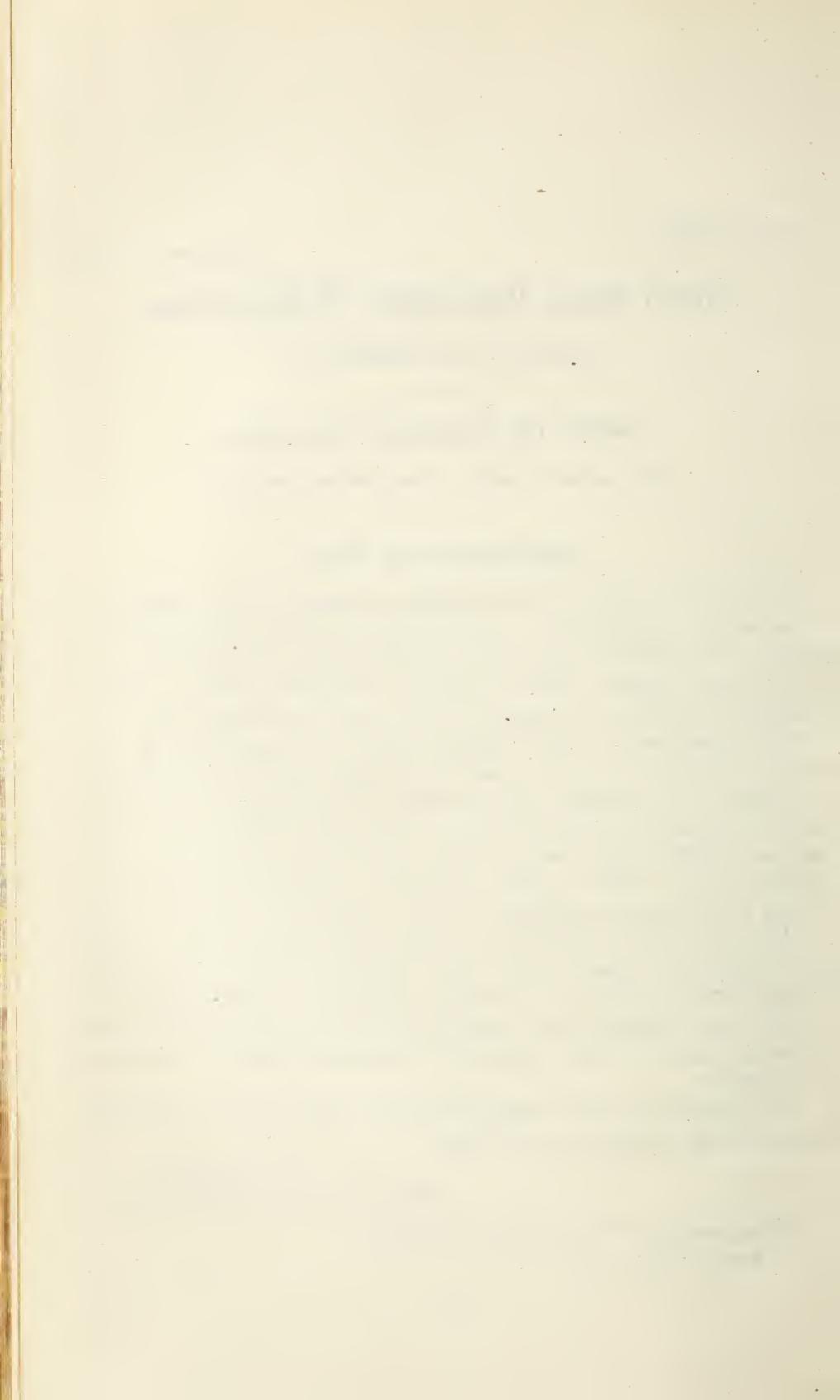
On July 19, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 22, 1912.

71294°—No. 2011—18





Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2012.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lemuel Rattner, New London, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 20,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 20,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 10,000,000 of which were of the acid type; 1,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 1,000,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

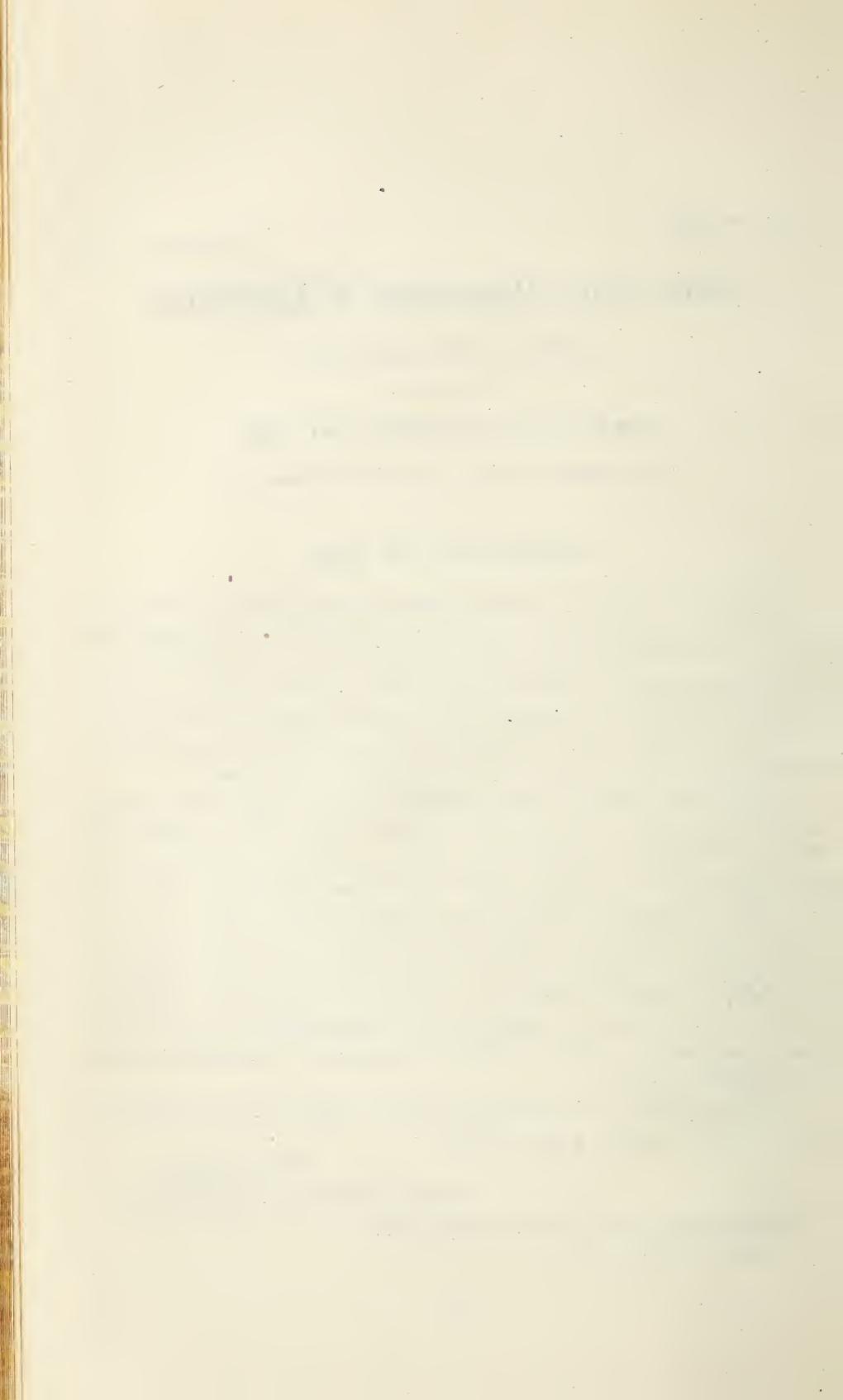
On July 19, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 22, 1912.

71294°—No. 2012—13





F. & D. No. 4090.
I. S. No. 12360-d.

Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2013.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against F. Mason Partelo, North Stonington, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 8, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 2,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 2,500,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 1,000,000 of which were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 10,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

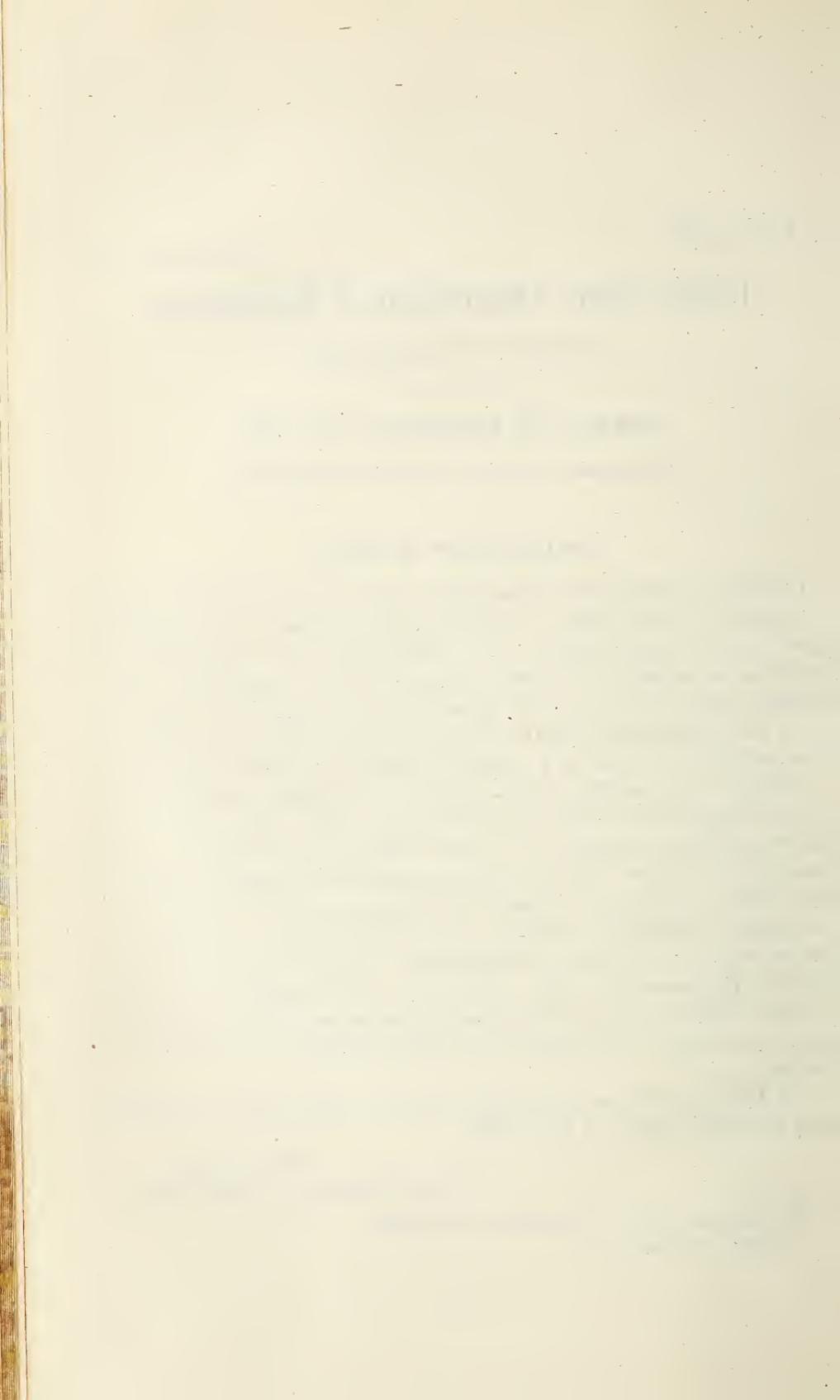
On July 23, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 22, 1912.

71294°—No. 2013—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2014.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Martin Clark, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

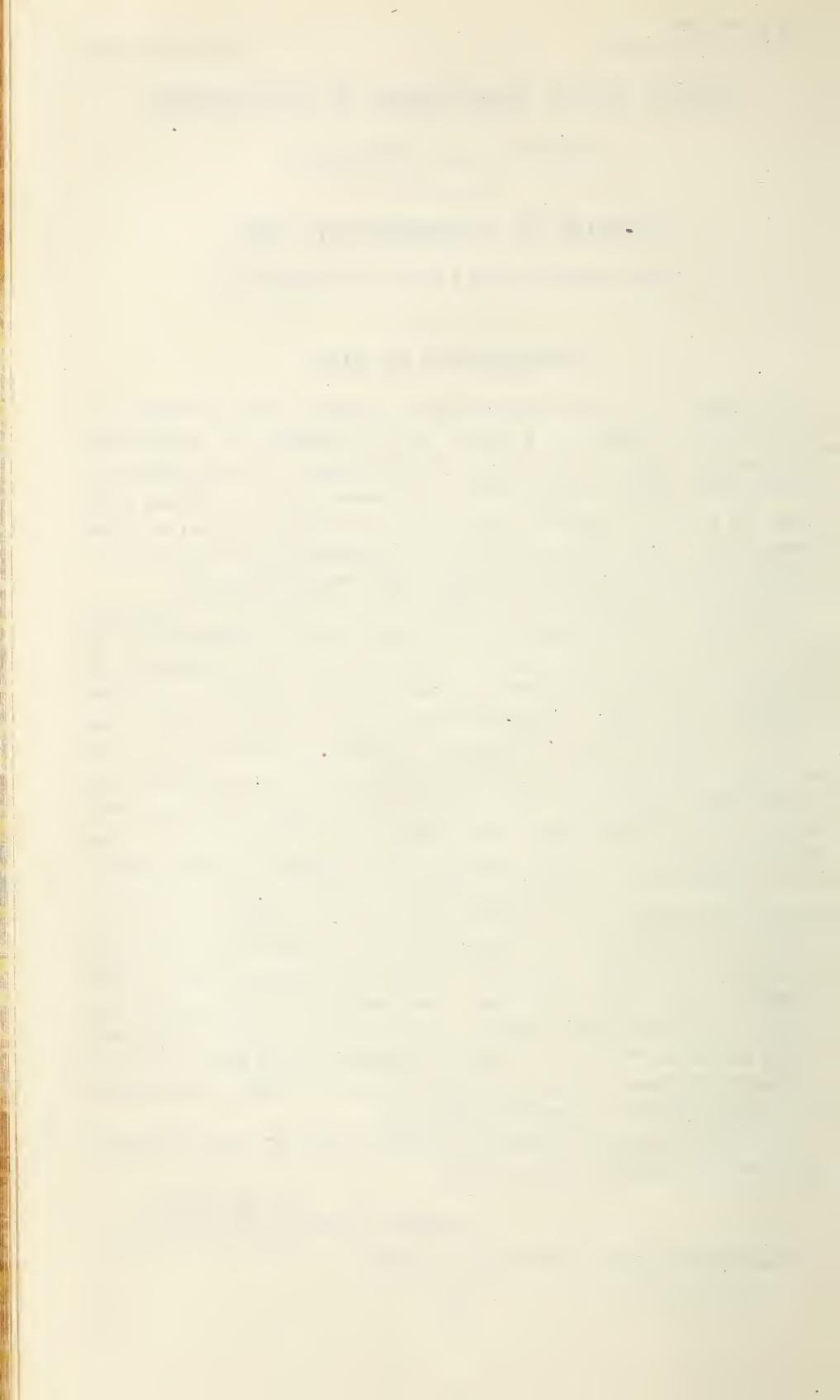
Analysis of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) This product contained 4,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 10,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 2,000,000 of which were of the acid type; 100,000 gas-producing organisms in bile fermentation tubes after 2 days' incubation; total solids, 11.46 per cent; fat, 3.0 per cent; solids not fat, 8.46 per cent. (Sample No. 2) This product contained 700,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 20,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, all of which were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 100,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that a valuable constituent of the article, to wit, fat, had been wholly or in part abstracted, and in that it did then and there consist in part of a filthy, decomposed, and putrid animal or vegetable substance.

On July 19, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 22, 1912.





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2015.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Michael Gineritaman, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 12,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 30,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, all of which were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 1,000,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

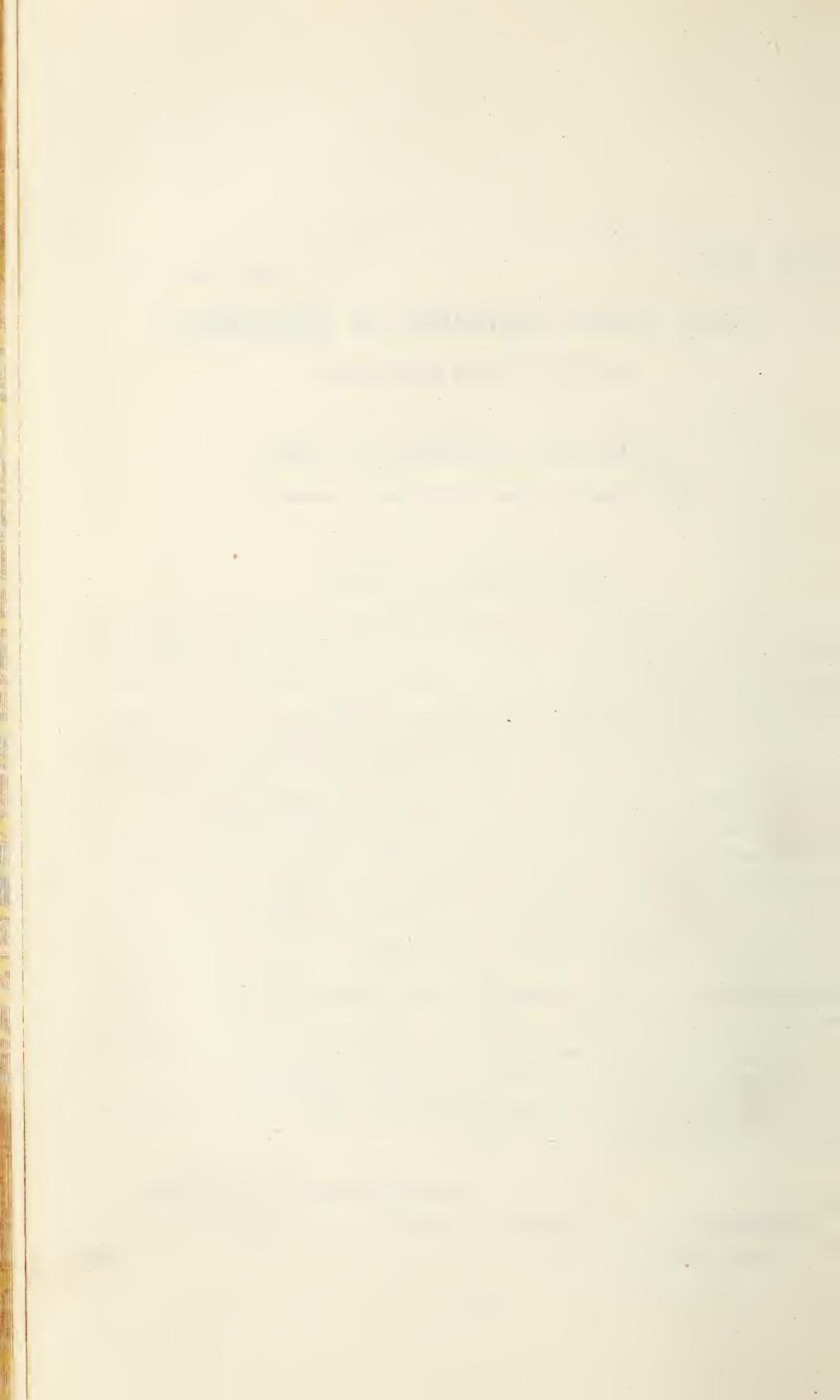
On July 19, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 23, 1912.

71294°—No. 2015—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2016.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 22, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James B. Grey, Mathewsons Mill, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 8, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 6,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 7,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 1,000,000 of which were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 10,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On July 23, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 23, 1912.

71294°—No. 2016—13



F. & D. No. 4096.
I. S. No. 13201-d.

Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2017.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nathan Greenberg, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 11,000,000 organisms per cubic centimeter, developing on plain agar at 37° C. after 2 days' incubation; 20,000,000 organisms per cubic centimeter, developing on litmus lactose agar at 25° C. after 2 days' incubation, all of which were of the acid type; 100 gas-producing organisms per cubic centimeter in bile fermentation tubes. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

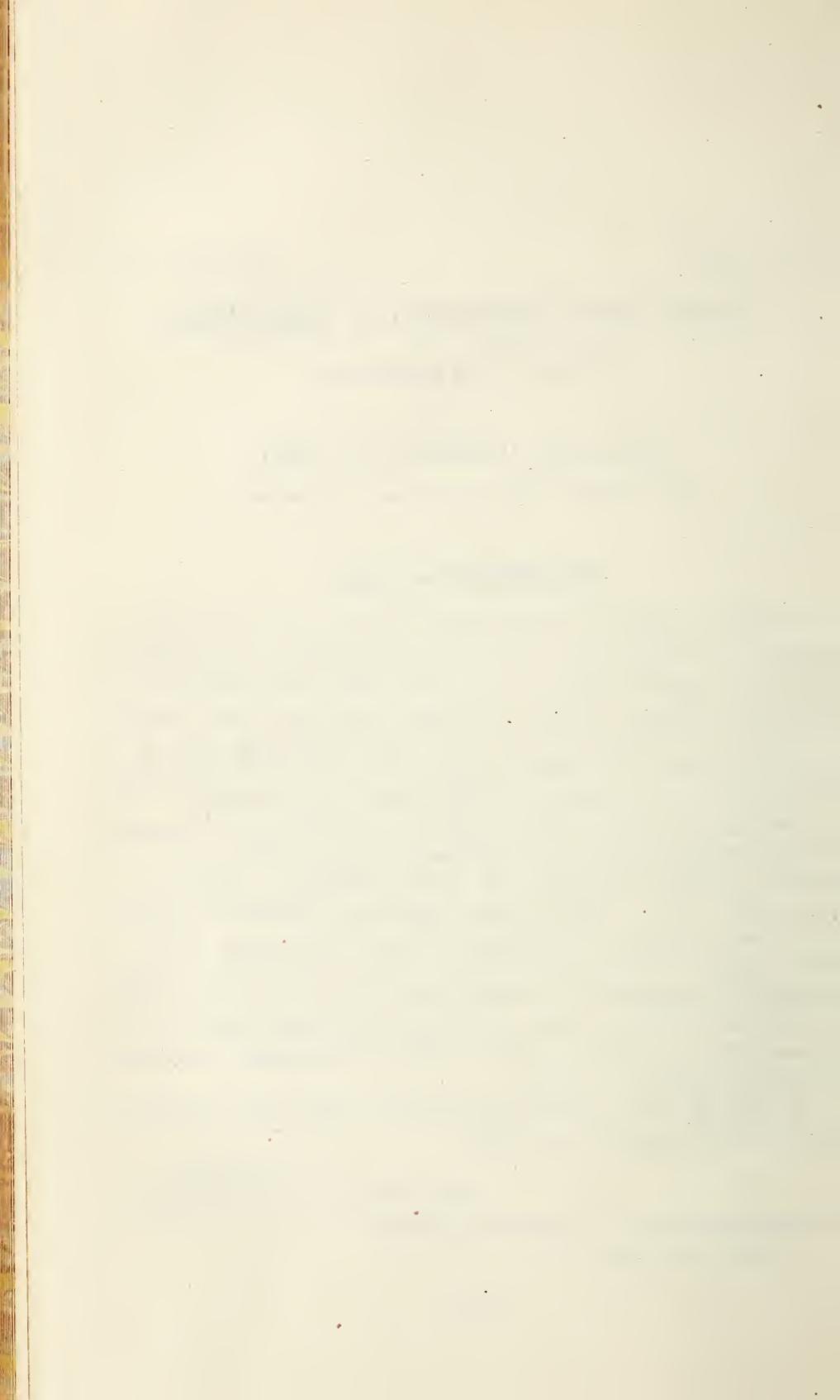
On July 19, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 23, 1912.

71294°—No. 2017—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2018.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against C. M. Crandall, Scotland, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 6, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 16,000,000 organisms per cubic centimeter, developing on plain agar at 37° C. after 2 days' incubation; 11,000,000 organisms per cubic centimeter, developing on litmus lactose agar at 25° C. after 2 days' incubation, all of which were of the alkaline type; 1,000 gas-producing organisms per cubic centimeter in bile fermentation tubes. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

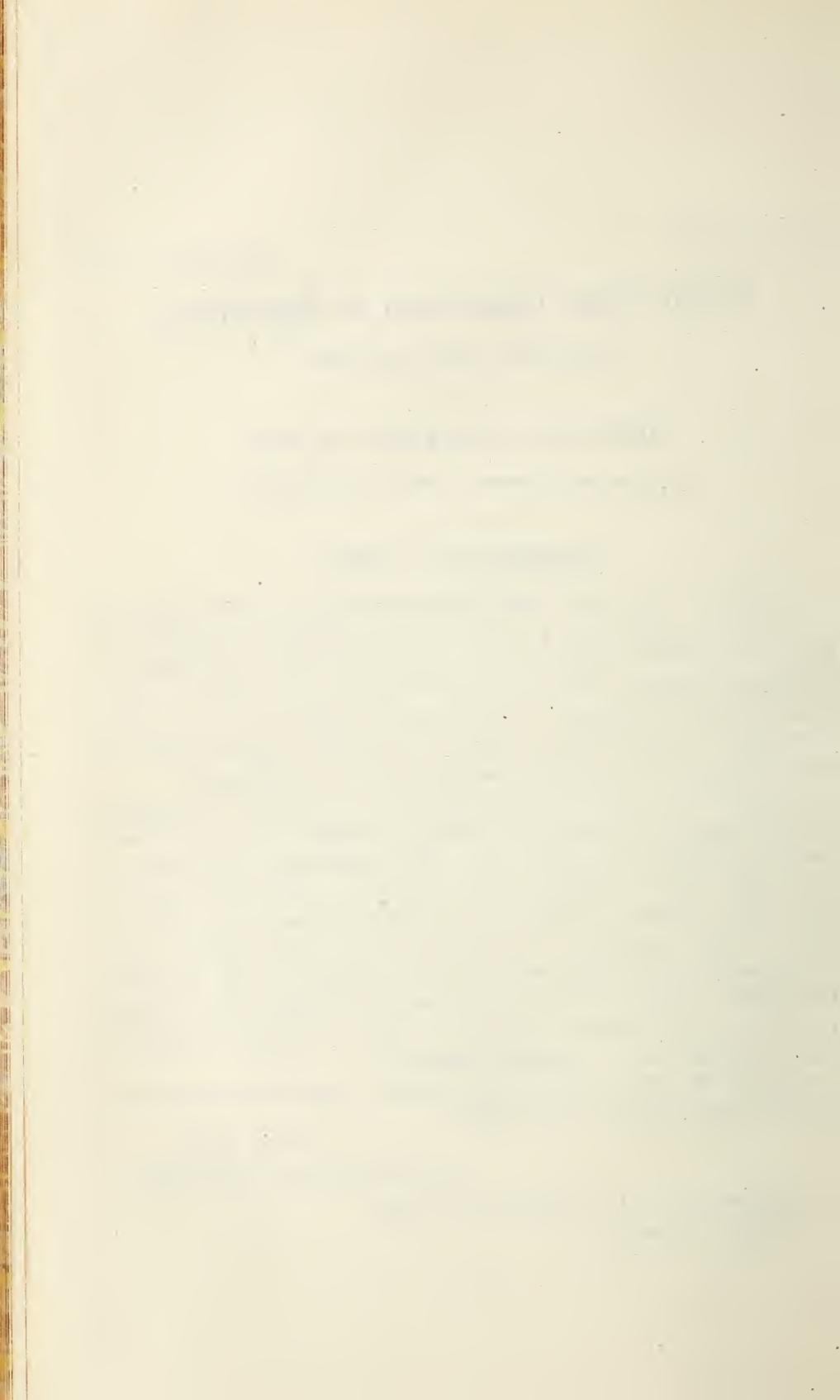
On July 23, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 23, 1912.

71294°—No. 2018—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2019.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George D. Coats, North Stonington, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 8, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 7,000,000 organisms per cubic centimeter, developing on plain agar at 37° C. after 2 days' incubation; 10,000,000 organisms per cubic centimeter, developing on litmus lactose agar at 25° C. after 2 days' incubation, all of which were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 1,000,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

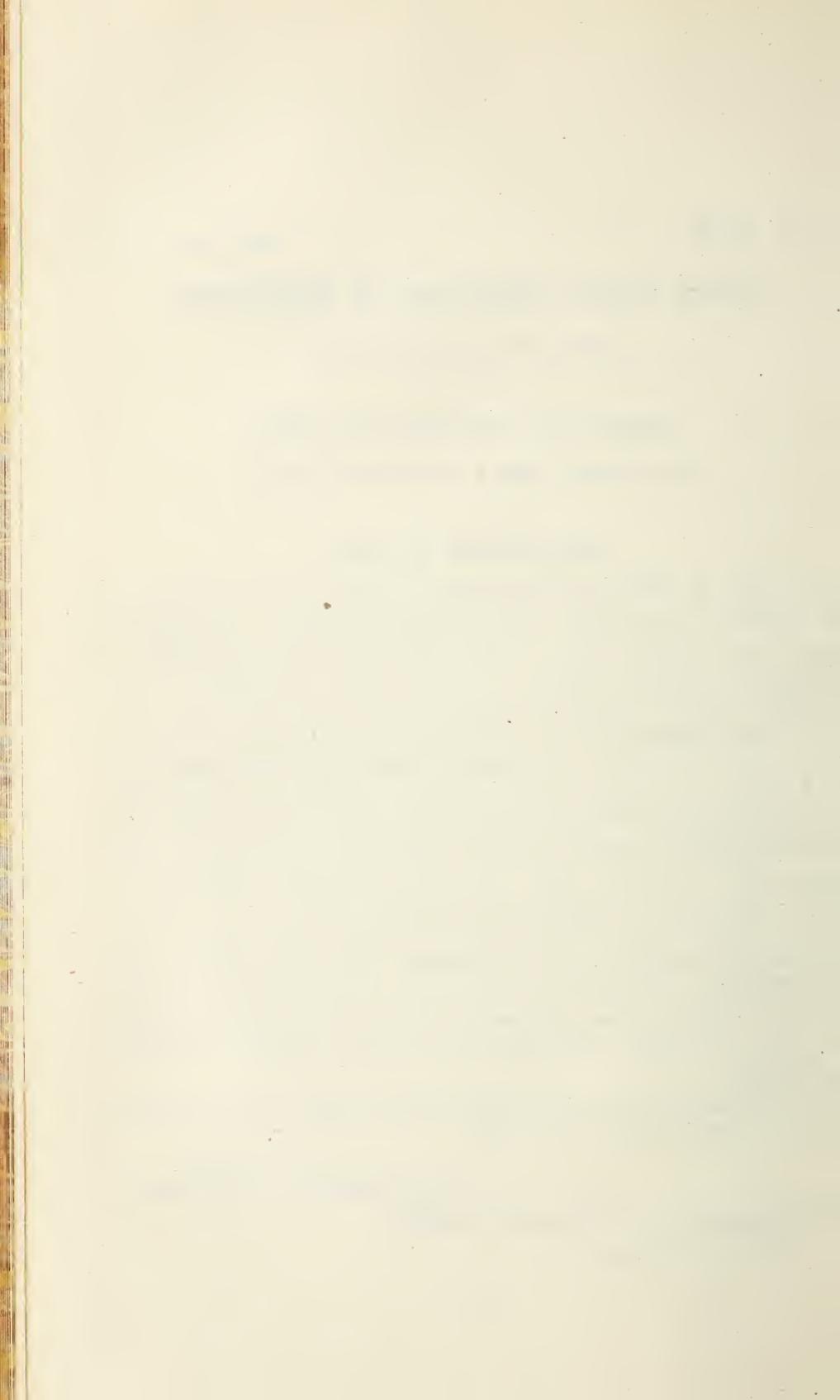
On July 23, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 23, 1912.

71294°—No. 2019—13





F. & D. No. 4101.
I. S. No. 1559-d.

Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2020.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry Davis, Canterbury, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 6, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 3,900,000 organisms per cubic centimeter, developing on plain agar at 37° C. after 2 days' incubation; 4,000,000 organisms per cubic centimeter, developing on litmus lactose agar at 25° C. after 2 days' incubation; 1,000 gas-producing organisms in bile fermentation tubes after 2 days' incubation; total solids, 11.67 per cent; fat, 2.60 per cent; solids not fat, 9.05 per cent. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

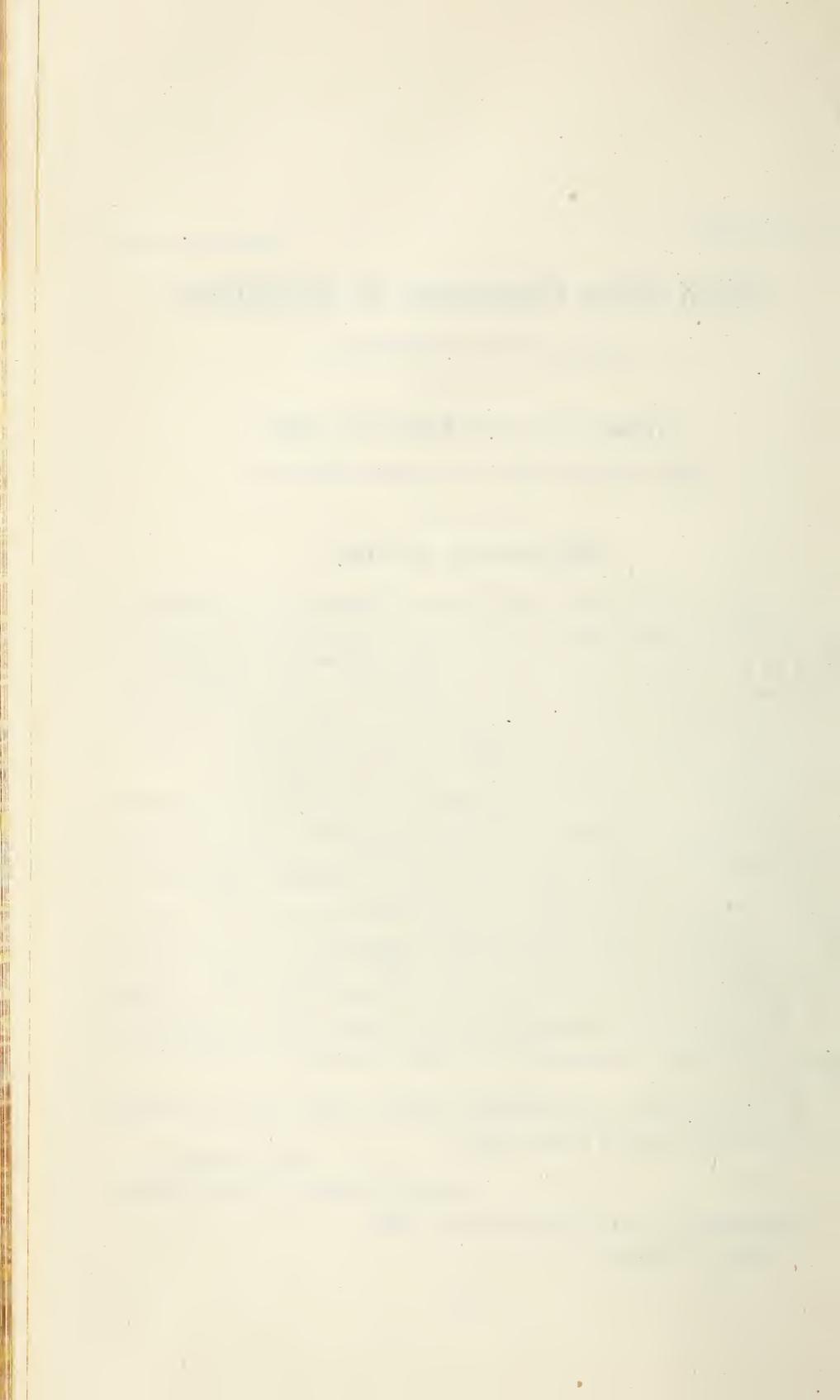
On July 23, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 23, 1912.

71294°—No. 2020—13





F. & D. No. 4102.
I. S. No. 1590-d.

Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2021.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Frink, Moosup, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 6, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Total solids, 10.13 per cent; fat, 3.35 per cent; solids not fat, 6.78 per cent. Adulteration of the product was alleged in the information for the reason that water had been substituted wholly or in part for the article.

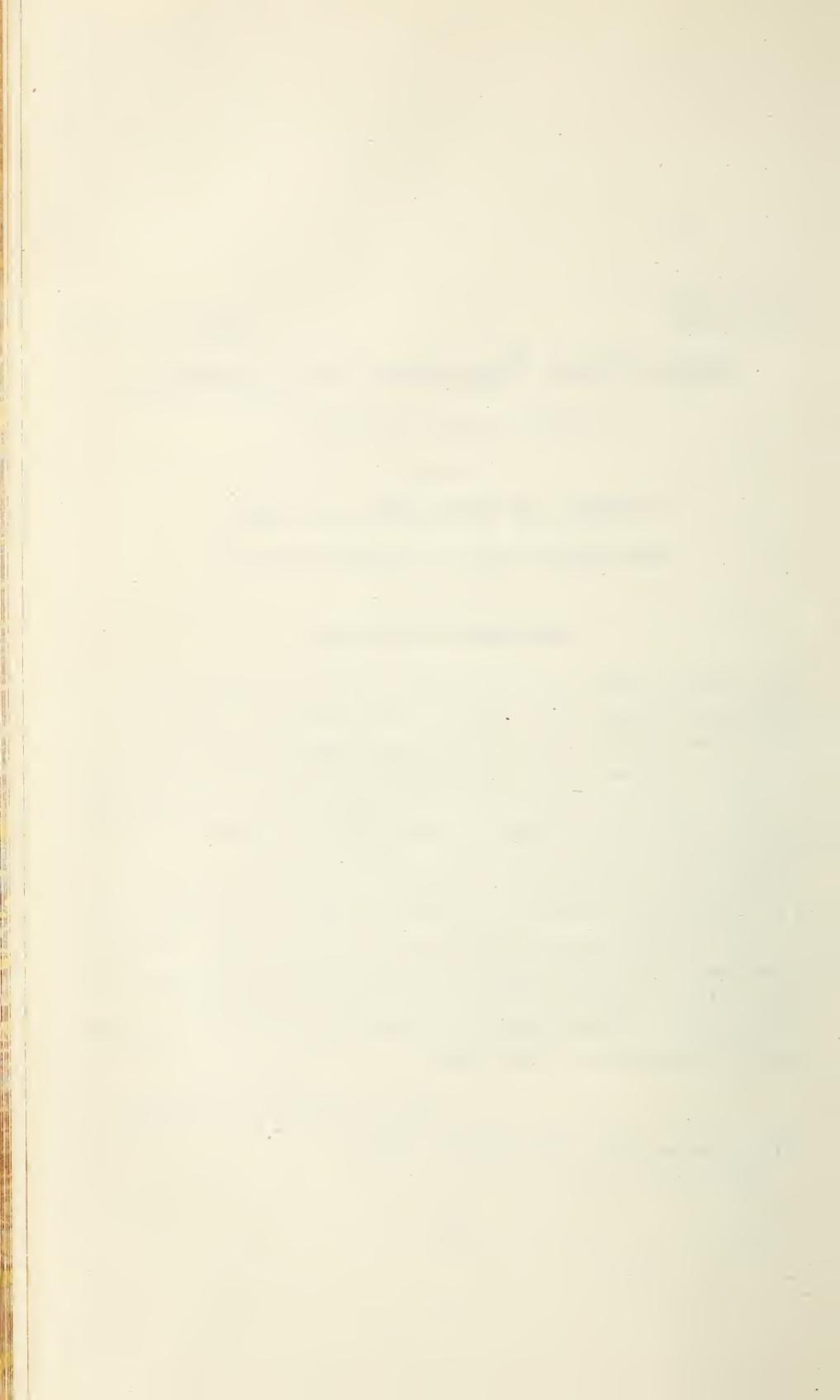
On July 23, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 25, 1912.

71285°—No. 2021—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2022.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Steve Febus, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 800,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 1,500,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, all of which were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 100,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

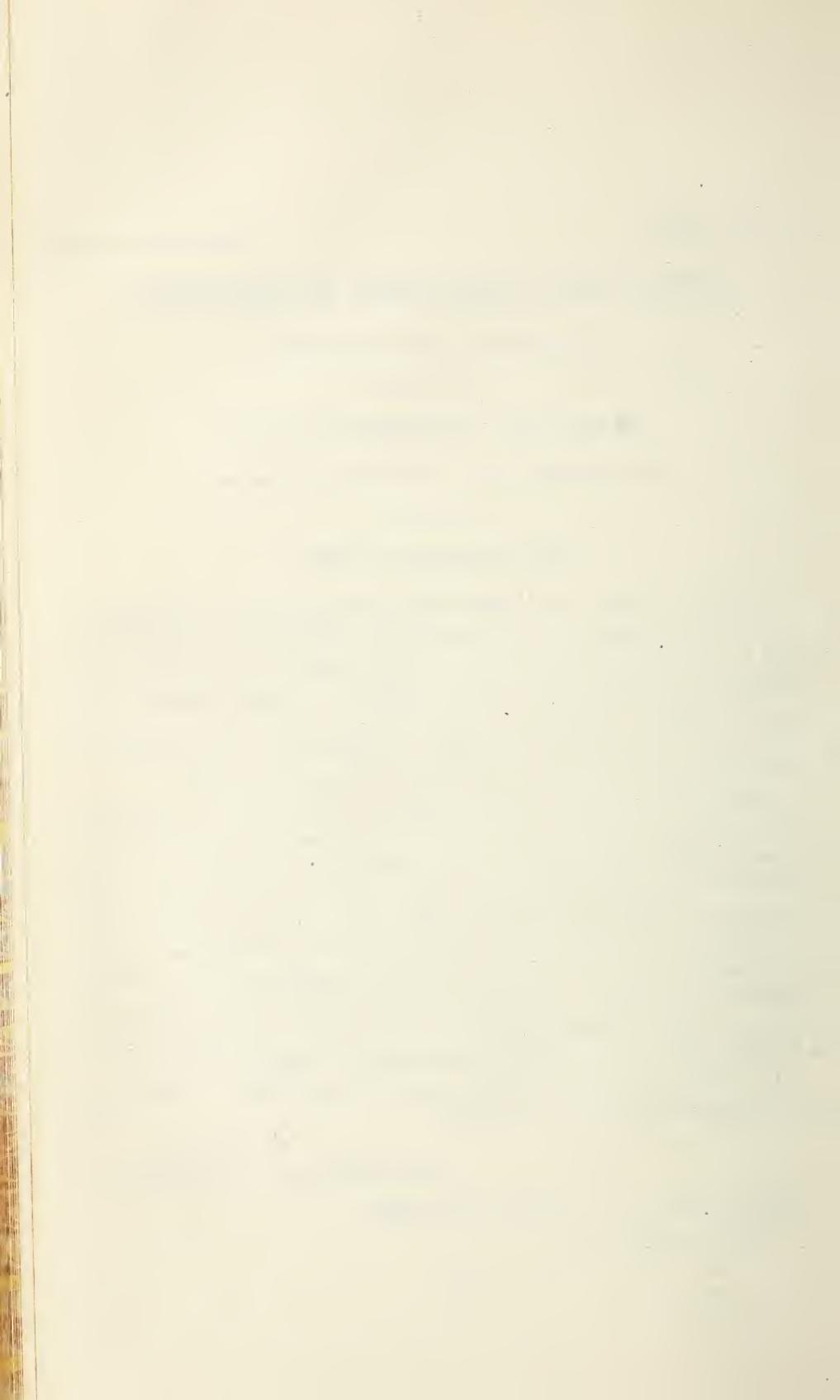
On July 19, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 25, 1912.

71285°—No. 2022—18





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2023.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob Fox, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 3,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 5,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, all of which were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 1,000,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

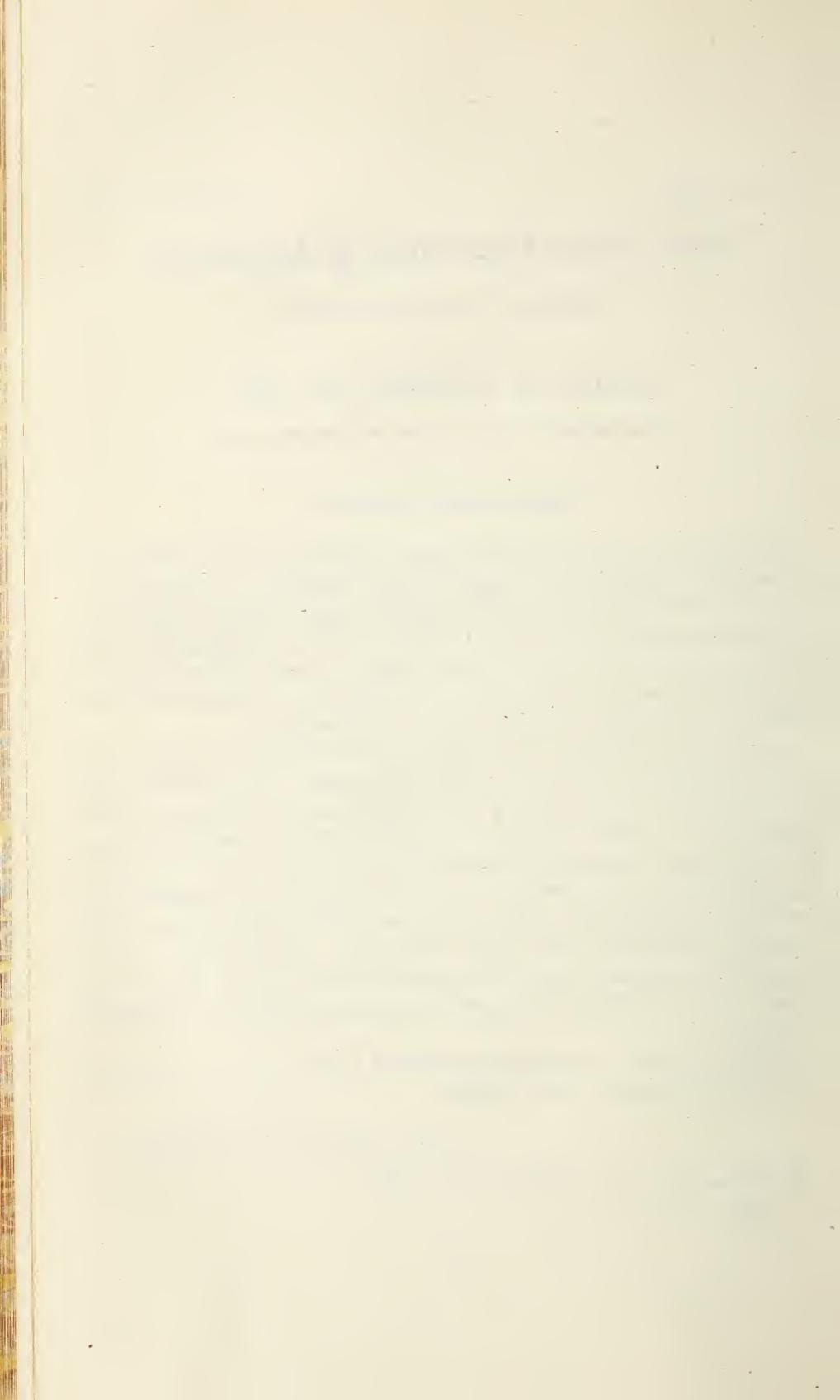
On July 19, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 25, 1912.

71285°—No. 2023—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2024.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Roger Foote, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 2,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 50,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, all of which were of the acid type; 100,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 100,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

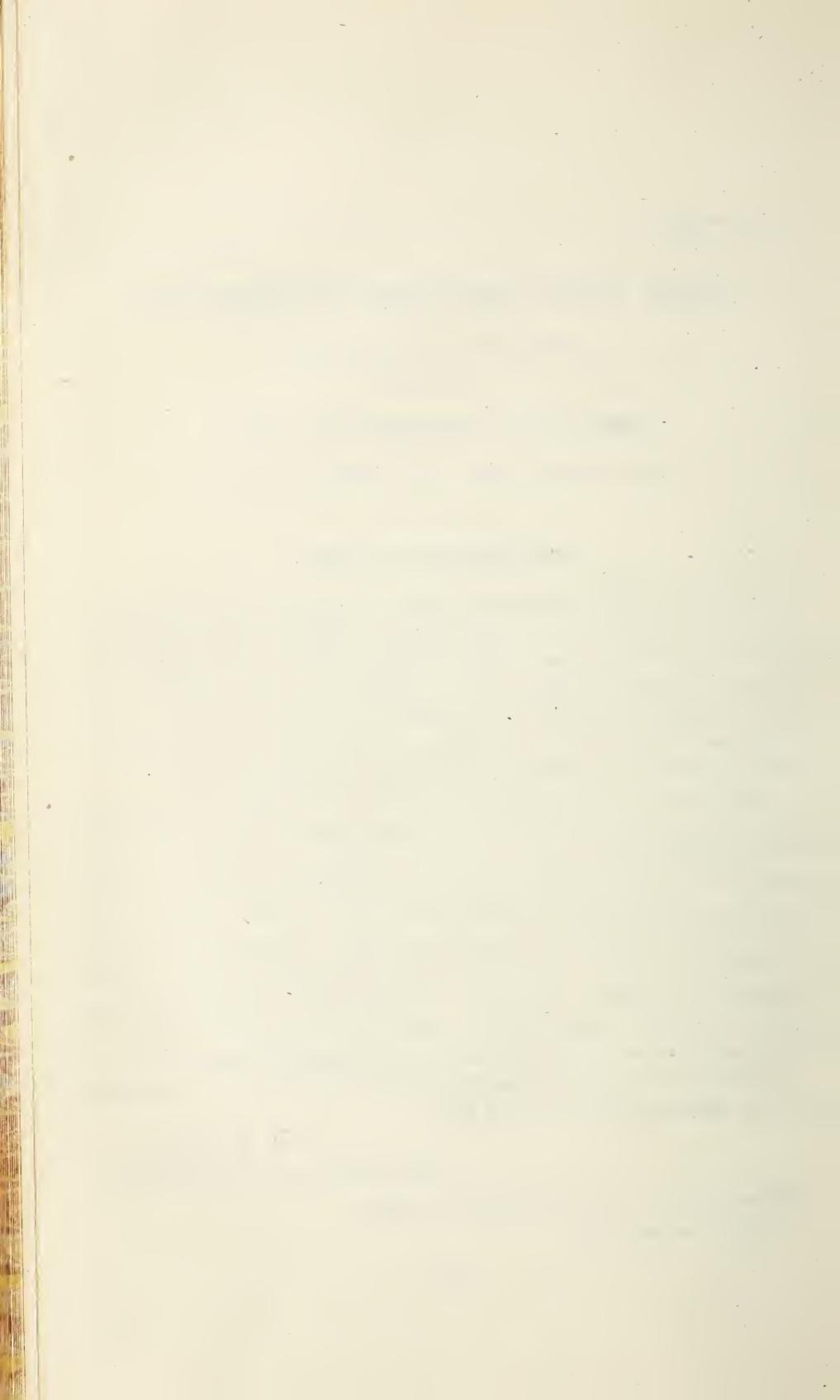
On July 19, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 25, 1912.

71285°—No. 2024—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2025.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Abraham Gitlin, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 1,500,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 11,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 3,000,000 of which were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 1,000,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On July 19, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 25, 1912.

71285°—No. 2025—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2026.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Samuel Gitlin, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Total solids, 10.93 per cent; fat, 3.00 per cent; solids not fat, 7.93 per cent. Adulteration of the product was alleged in the information for the reason that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and that water had been substituted wholly or in part for the article.

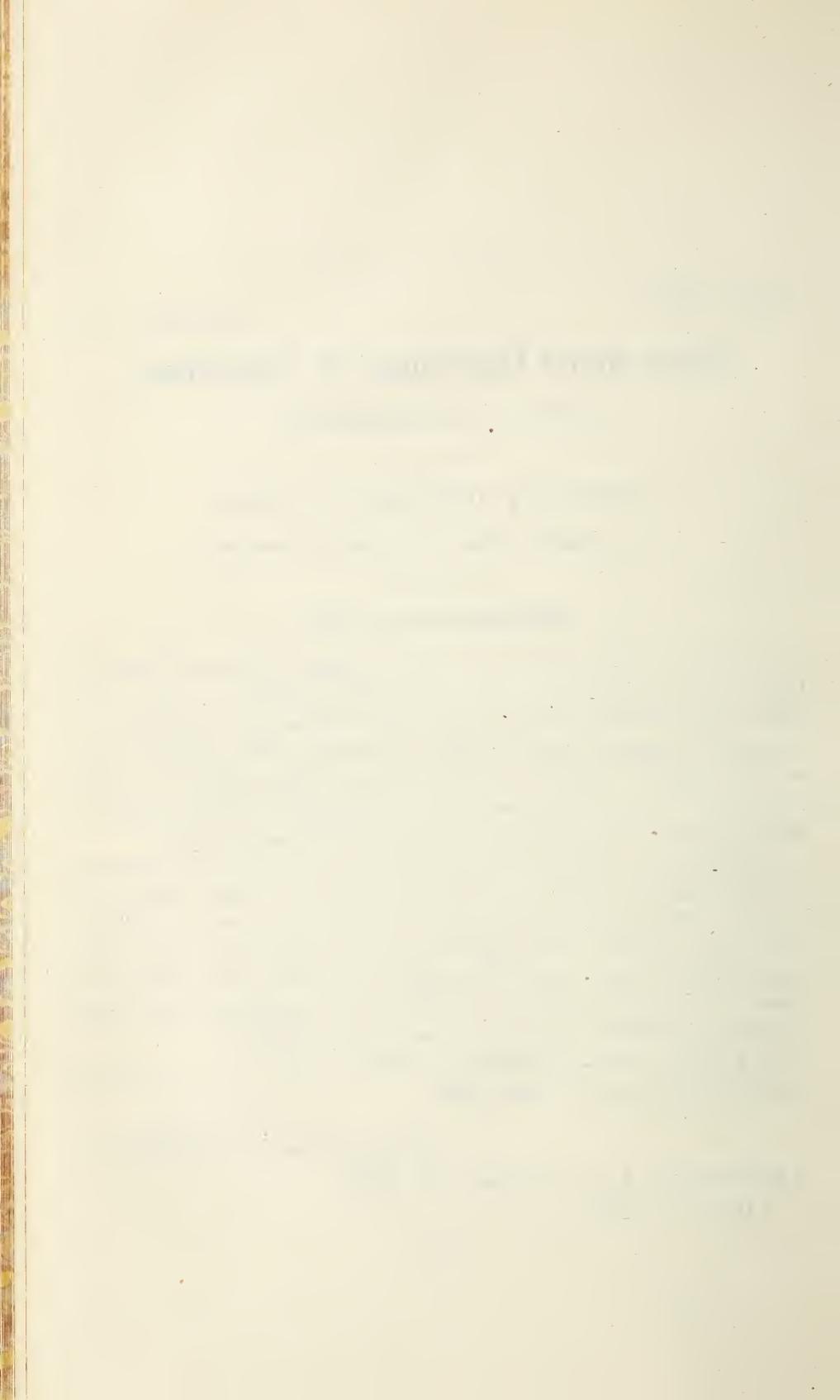
On July 23, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 25, 1912.

71285°—No. 2026—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2027.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Samuel Goldstein, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) Total solids, 12.17 per cent; fat, 3.0 per cent; solids not fat, 9.17 per cent. (Sample No. 2) This product contained 3,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 15,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 3,000,000 of which were of the acid type; 100,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 1,000,000 streptococci per cubic centimeter; total solids, 12.08 per cent; fat, 2.85 per cent; solids not fat, 9.23 per cent. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance and for the reason that a valuable constituent of the article, to wit, fat, had been wholly or in part abstracted.

On July 19, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 26, 1912.

71285°—No. 2027—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2028.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against C. H. Kenyon, Plainfield, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 6, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 3,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 10,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 6,000,000 of which were of the acid type; 10,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 10,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On July 23, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 26, 1912.

71285°—No. 2028—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2029.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Katherine Konaszewski, Colchester, Conn., alleging shipment by her, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 6,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 9,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 8,000,000 of which were of the acid type; 1,000,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 1,000,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

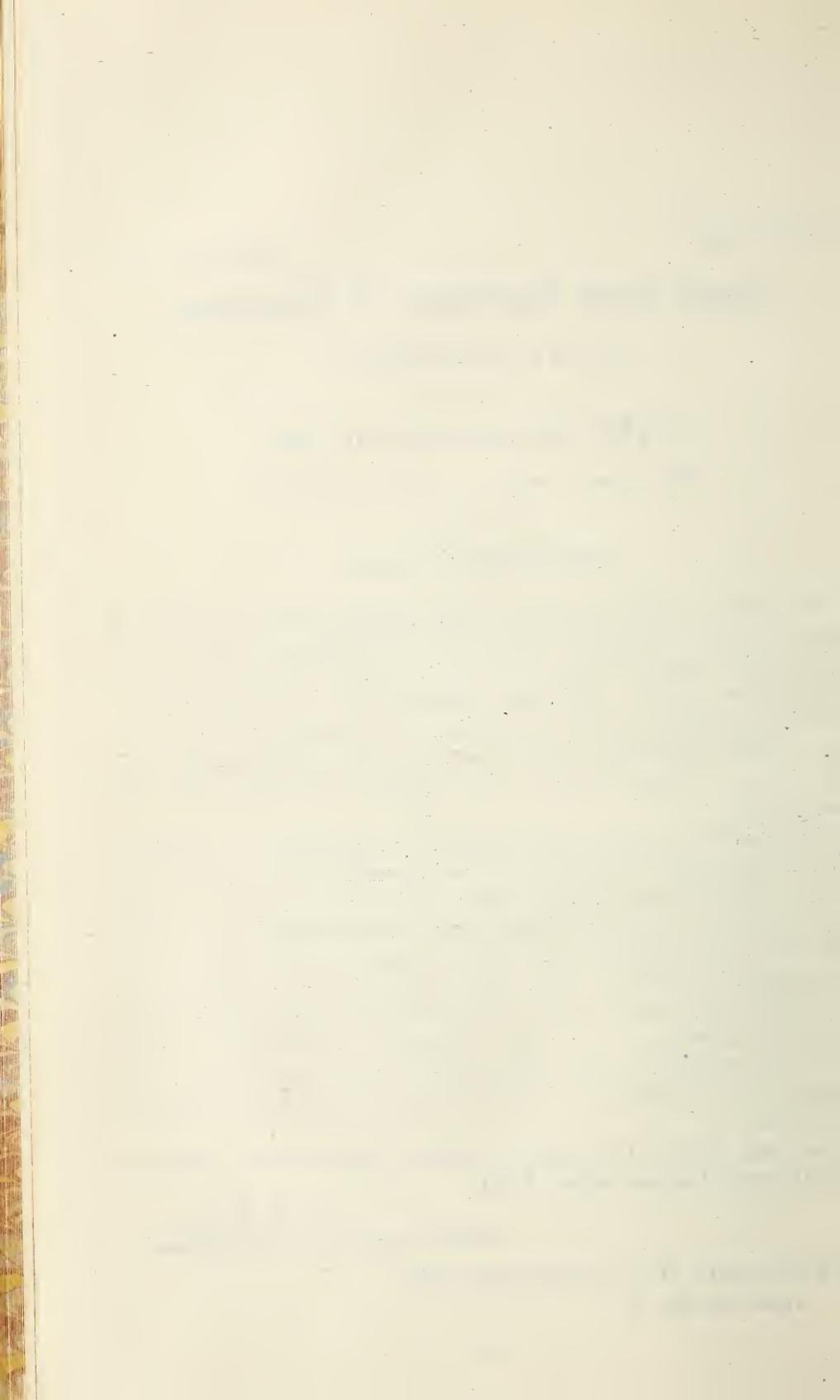
On July 19, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 26, 1912.

71285°—No. 2029—13





F. & D. No. 4114.
I. S. No. 12356-d.

Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2030.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Chester S. Maine, North Stonington, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 8, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 2,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 3,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 2,000,000 of which were of the acid type; 100,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 100,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On July 23, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 27, 1912.

71285°—No. 2030—13



F. & D. No. 4115.
I. S. No. 12345-d.

Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2031.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Patrick Murray, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Total solids, 11.12 per cent; fat, 3.75 per cent; solids not fat, 7.37 per cent. Adulteration of the product was charged in the information for the reason that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and in that water had been substituted wholly or in part for the milk.

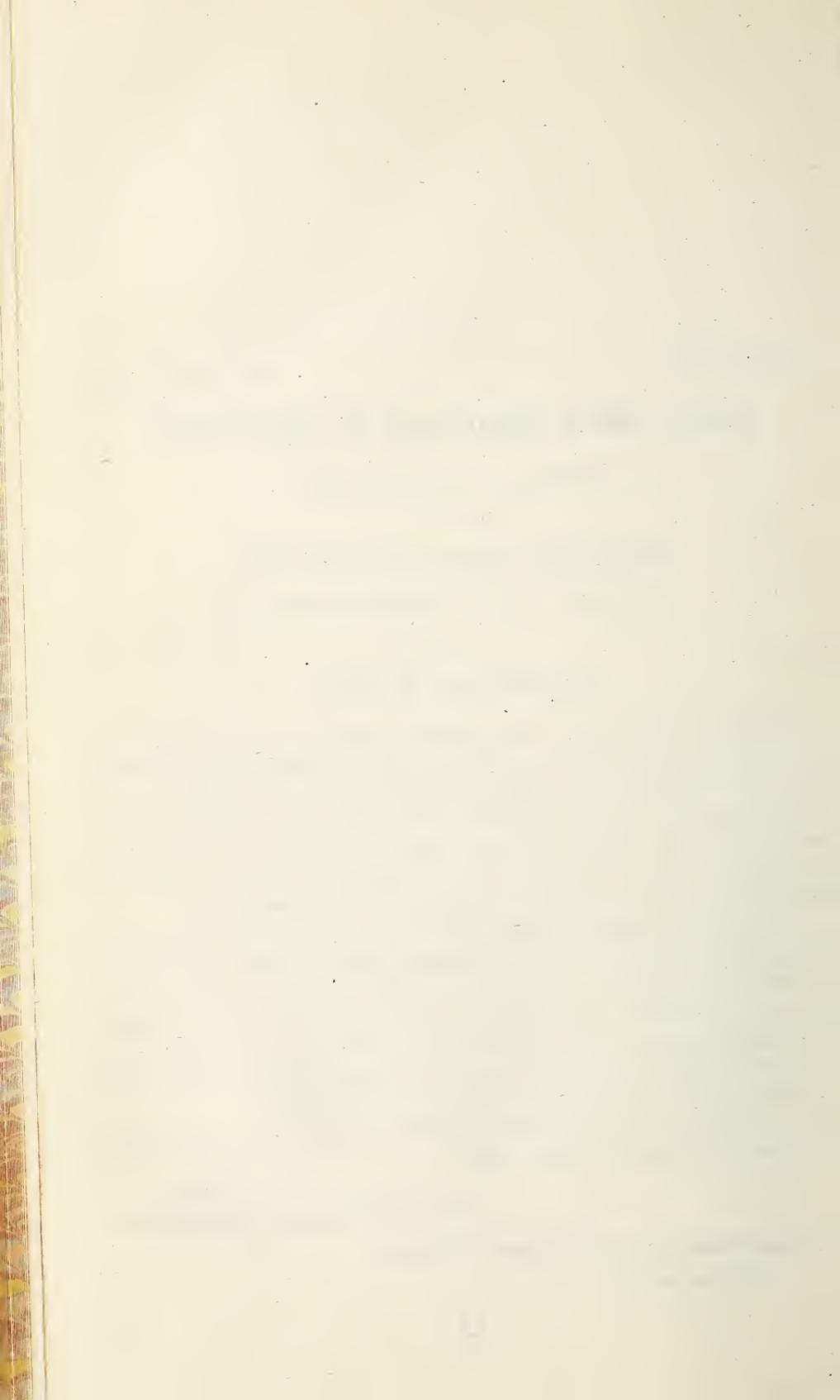
On July 19, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 27, 1912.

71292°—No. 2031—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2032.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against H. Minsk, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) Total solids, 11.86 per cent; fat, 2.9 per cent; solids not fat, 8.96 per cent. (Sample No. 2) This product contained 7,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 200,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, all of which were of the alkaline type; 1,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 1,000,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that a valuable constituent of the article, to wit, fat, had been wholly or in part abstracted, and in that it did then and there consist in part of a filthy, decomposed, and putrid animal or vegetable substance.

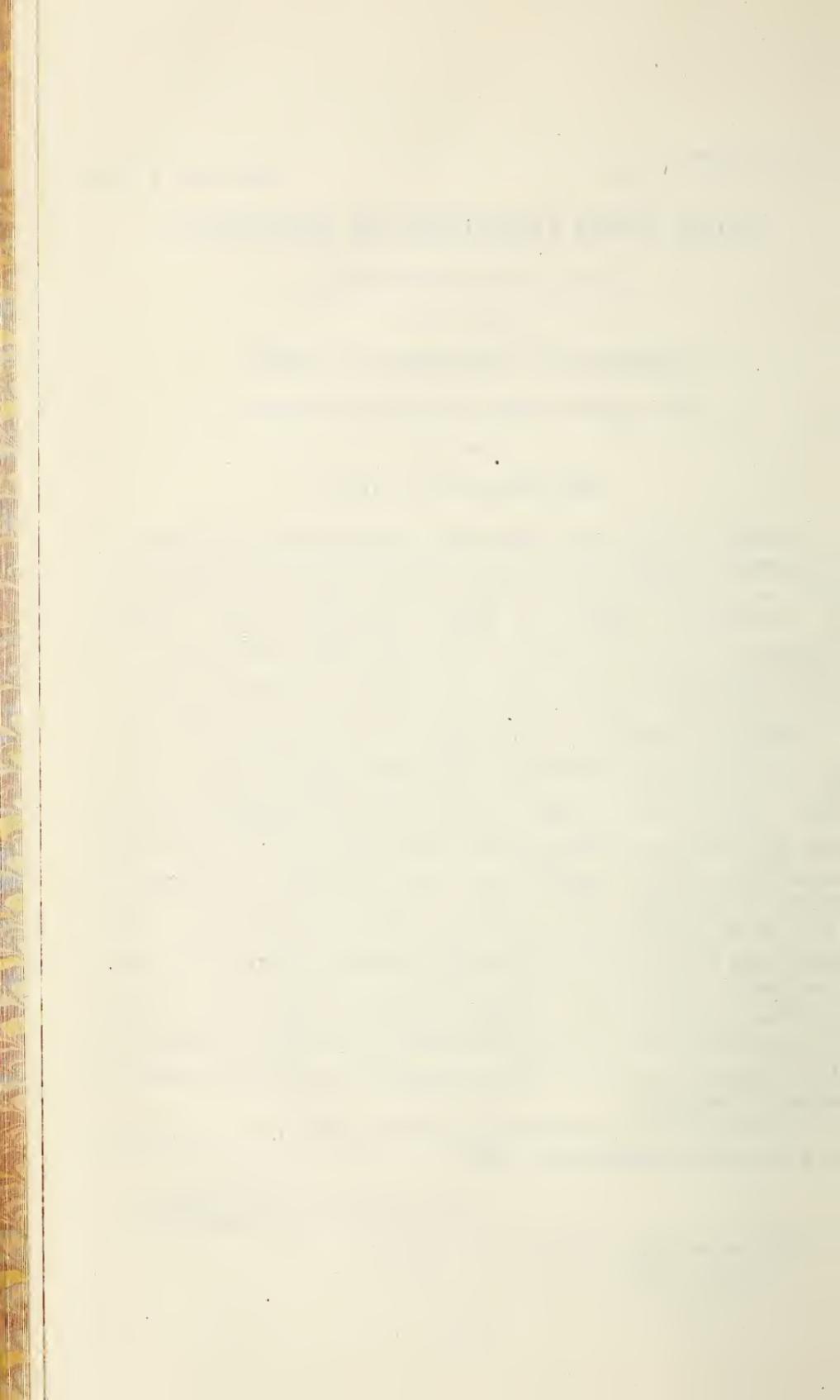
On July 19, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 27, 1912.

71292°—No. 2032—13





F. & D. No. 4117.
I. S. No. 13111-d.

Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2033.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. Minsk, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 8,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 9,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, all of which were of the acid type; 100,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 100,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On July 19, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 27, 1912.

71292°—No. 2033—13



F. & D. No. 4118.
I. S. No. 13229-d.

Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2034.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William S. Lamb, Chestnut Hill, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 8, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Total solids, 11.6 per cent; fat, 3.1 per cent; solids not fat, 8.5 per cent; sediment, very large amount. Adulteration of the product was alleged in the information for the reason that a valuable constituent of the article, to wit, fat, had been wholly or in part abstracted.

On July 19, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 27, 1912.

71292°—No. 2034—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2035.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry Litchnik, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 7, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 9,000,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 15,000,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 12,000,000 of which were of the acid type; 100,000 gas-producing organisms in bile fermentation tubes after 2 days' incubation; 100,000 streptococci per cubic centimeter; total solids, 10.97 per cent; fat, 2.45 per cent; solids not fat, 8.52 per cent. Adulteration of the product was alleged in the information for the reason that a valuable constituent of the article, to wit, fat, had been wholly or in part abstracted, and in that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On July 19, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 27, 1912.

71292°—No. 2035—13



F. & D. No. 4120.
I. S. No. 2442-d.

Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2036.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob Levine, Colchester, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 8, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Total solids, 11.68 per cent; fat, 2.9 per cent; solids not fat, 8.78 per cent; sediment, some present. Adulteration of the product was alleged in the information for the reason that a valuable constituent of the article, to wit, fat, had been wholly or in part abstracted.

On July 19, 1912, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON D. C., November 27, 1912.

71292°—No. 2036—13



F. & D. No. 4121.

Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2037.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George E. Larkham, Canterbury, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on or about September 6, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: This product contained 2,500,000 organisms per cubic centimeter developing on plain agar at 37° C. after 2 days' incubation; 1,600,000 organisms per cubic centimeter developing on litmus lactose agar at 25° C. after 2 days' incubation, 600,000 of which were of the acid type; 10,000 gas-producing organisms per cubic centimeter in bile fermentation tubes; 10,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On July 23, 1912, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 27, 1912.

71292°—No. 2037—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2038.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On August 9, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frederick G. Reader, Miles Station, Ill., alleging shipment by him, in violation of the Food and Drugs Act, on July 7, 1911, from the State of Illinois into the State of Missouri of a quantity of milk which was adulterated. The product bore no label.

Bacteriological examination of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) 400,000,000 bacteria per cc., plain agar, after 2 days at 37° C.; 500,000,000 bacteria per cc., litmus lactose agar, after 2 days at 37° C., all alkaline; 1,000,000 *B. coli* group; 1,000,000 streptococci. (Sample No. 2) 100,000,000 bacteria per cc., plain agar, after 2 days at 37° C.; 110,000,000 bacteria per cc., litmus lactose agar, after 2 days at 37° C.; 100 per cent acid; 1,000 *B. coli* group; 1,000 streptococci. Adulteration was alleged in the information for the reason that the product was composed in part of a filthy, decomposed, and putrid animal substance.

On August 9, 1912, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$25 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 27, 1912.

71292°—No. 2038—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2039.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 17, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against R. F. Johnson, Dorsey, Ill., alleging shipment by him, in violation of the Food and Drugs Act, on July 19, 1911, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated. The product bore no label.

Bacteriological examination of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) 24,000,000 bacteria per cc., plain agar, after 2 days at 37° C.; 100,000 *B. coli* group; 1,000,000 streptococci. (Sample No. 2) 7,000,000 bacteria per cc., plain agar, after 2 days at 37° C.; 8,000,000 bacteria per cc., litmus lactose agar, after 2 days at 37° C.; 100 per cent acid; 100,000 *B. coli* group; 1,000,000 streptococci. (Sample No. 3) 7,000,000 bacteria per cc., plain agar, after 2 days at 37° C.; 8,000,000 bacteria per cc., litmus lactose agar, after 2 days at 37° C., 100 per cent acid; 1,000,000 *B. coli* group; 100,000 streptococci. Adulteration was alleged in the information for the reason that the product was composed in part of a filthy, decomposed, and putrid animal substance.

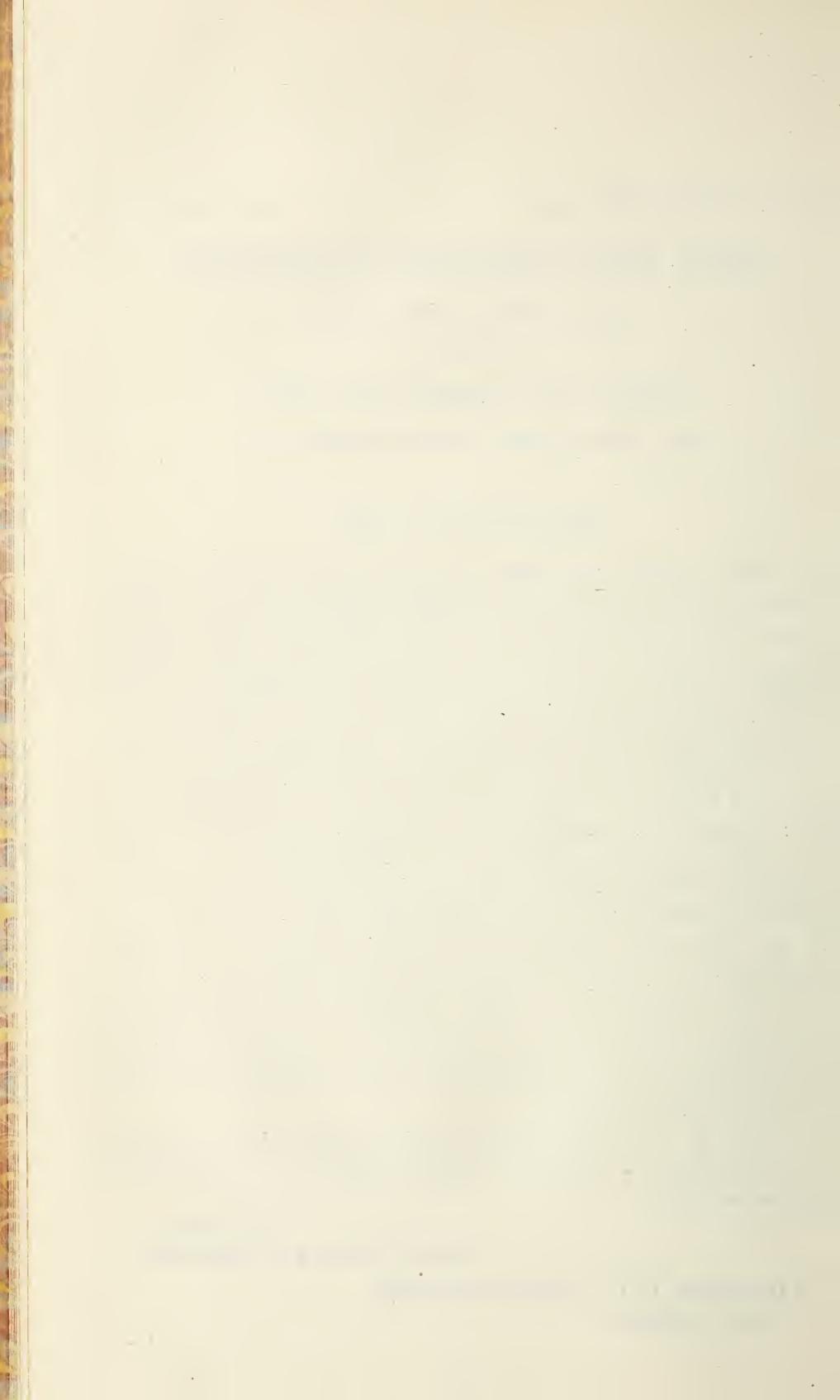
On July 17, 1912, the defendant entered a plea of nolo contendere to the information and the court imposed sentence to be satisfied on payment of \$37.50.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 29, 1912.

71292°—No. 2039—13





F. & D. No. 3851.
I. S. No. 3650-d.

Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2040.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 17, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward W. Froelke, Dorsey, Ill., alleging shipment by him, in violation of the Food and Drugs Act, on July 11, 1911, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated. The product bore no label.

Bacteriological examination of a sample of the product by the Bureau of Chemistry of this Department showed the following results: 30,000,000 bacteria per cc., plain agar, after 2 days at 37° C.; 1,000,000 *B. coli* group; 1,000,000 streptococci. Adulteration was alleged in the information for the reason that the product was composed in part of a filthy, decomposed, and putrid animal substance.

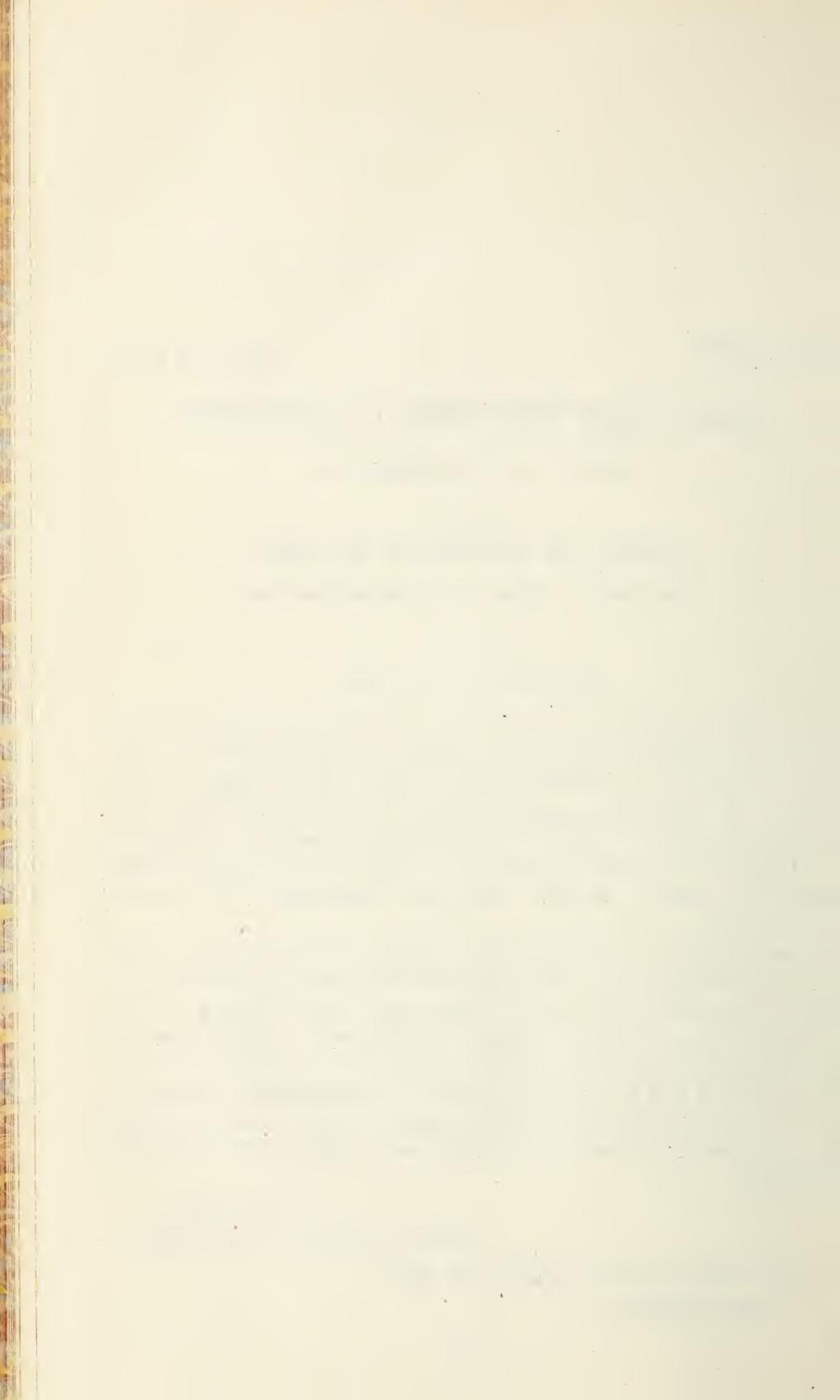
On July 17, 1912, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$25, with costs of \$12.50.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 29, 1912.

71292—No. 2040—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2041.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 17, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William I. Wilson, Dorsey, Ill., alleging shipment by him, in violation of the Food and Drugs Act, on July 11, 1911, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated. The product bore no label.

Bacteriological examination of a sample of the product by the Bureau of Chemistry of this Department showed the following results: 11,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 1,000,000 *B. coli* group; 1,000,000 streptococci. Adulteration was alleged in the information for the reason that the product was composed in part of a filthy, decomposed, and putrid animal substance.

On July 17, 1912, the defendant entered a plea of *nolo contendere* to the information and the court imposed sentence to be satisfied on payment of \$37.50.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 29, 1912.

71286°—No. 2041—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2042.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 17, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward H. Fischer, Dorsey, Ill., alleging shipment by him, in violation of the Food and Drugs Act, on July 11, 1911, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated. The product bore no label.

Bacteriological examination of a sample of the product by the Bureau of Chemistry of this Department showed the following results: 60,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 10,000,000 *B. coli* group; 1,000,000 streptococci. Adulteration was alleged in the information for the reason that the product was composed in part of a filthy, decomposed, and putrid animal substance.

On July 17, 1912, the defendant entered a plea of nolo contendere to the information and the court imposed sentence to be satisfied on payment of \$37.50.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 29, 1912.

71286°—No. 2042—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2043.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 17, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Theodore B. Dorsey, Dorsey, Ill., alleging shipment by him, in violation of the Food and Drugs Act, on July 11 and July 19, 1911, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated. The product bore no label.

Bacteriological examination and analysis of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) 4,000,000 bacteria per cc., plain agar, after 2 days at 37° C.; 6,000,000 bacteria per cc., litmus lactose agar, after 2 days at 37° C.; all alkaline; 10,000 *B. coli* group; 10,000 streptococci. (Sample No. 2) 4,000,000 bacteria per cc., plain agar, after 2 days at 37° C.; 12,000,000 bacteria per cc., litmus lactose agar, after 2 days at 37° C.; 100 per cent acid; 100,000 *B. coli* group; 100,000 streptococci. (Sample No. 3) 6,000,000 bacteria per cc., plain agar, after 2 days at 37° C.; 1,000,000 *B. coli* group; 10,000 streptococci. Adulteration was alleged in the information for the reason that the product was composed in part of a filthy, decomposed, and putrid animal substance.

On July 17, 1912, the defendant entered a plea of *nolo contendere* to the information and the court imposed sentence to be satisfied on payment of \$37.50.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 29, 1912.

71286°—No. 2043—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2044.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 17, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against H. W. Huer, Dorsey, Ill., alleging shipment by him, on July 19, 1911, in violation of the Food and Drugs Act, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated. The product bore no label.

Bacteriological examination of a sample of the product by the Bureau of Chemistry of this Department showed the following results: 20,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 25,000,000 bacteria per cc, litmus lactose agar, after 2 days at 37° C.; 100 per cent acid; 1,000,000 *B. coli* group; 10,000 streptococci. Adulteration was alleged in the information for the reason that the product was composed in part of a filthy, decomposed, and putrid animal substance.

On July 17, 1912, the defendant entered a plea of nolo contendere to the information and the court imposed sentence to be satisfied on payment of \$37.50.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 29, 1912.

71286°—No. 2044—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2045.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 25, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank Kierle, Bunker Hill, Ill., alleging shipment by him, in violation of the Food and Drugs Act, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated. The product bore no label.

Bacteriological examination and analysis of samples of the product by the Bureau of Chemistry of this department showed the following results: (Sample No. 1) 16,000,000 bacteria per cc., plain agar, after 2 days at 37° C.; 1,000,000 *B. coli* group; 100,000 streptococci. (Sample No. 2) Specific gravity at 15.5° C., 1.0284; fat by Babcock, 3.6 per cent; solids, calculated from fat and specific gravity, 11.57 per cent; solids not fat, 7.97 per cent; acidity calculated as lactic acid, 0.392 per cent; refraction of serum at 20° C., ammonia added, 43.8 per cent; nitrates in serum, negative; formaldehyde, negative. (Sample No. 3) 6,000,000 bacteria per cc., plain agar, after 2 days at 37° C.; 10,000,000 *B. coli* group; 10,000,000 streptococci. Adulteration was alleged in the information for the reason that the product was composed in part of a filthy, decomposed, and putrid animal substance.

On July 25, 1912, the defendant entered a plea of *nolo contendere* to the information and the court imposed a fine of \$25 with costs of \$12.50.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., November 29, 1912.

71286°—No. 2045—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2046.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED OLIVE OIL.

On April 4, 1912, the United States Attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 23 1-gallon cans of so-called olive oil remaining unsold in the original unbroken packages and in possession of Luigi Derosa, Providence, R. I., alleging that the product had been shipped from the State of New York into the State of Rhode Island and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Tripoli Brand, Tripoli Hedames Tupolitania Gadid Ghat Murzuk, Gatron Olio Puro Italiano Di Oliva."

Adulteration of the product was alleged in the libel for the reason that it purported by its label to be pure olive oil, but a certain substance, to wit, cottonseed oil, had been substituted in part in said product for pure olive oil. Misbranding was alleged for the reason that the product bore a label and designation reading as above set forth, to wit, that the oil purported to be a pure olive oil, whereas, in truth and in fact, it was not pure olive oil, but was composed in the proportion approximately of 50 per cent cottonseed oil and 50 per cent of olive or other oils. Misbranding was alleged for the further reason that the product was so labeled as to deceive and mislead the purchaser, in that the packages bore the statement that the substance therein contained was pure olive oil, which statement was false and misleading in the particulars aforesaid.

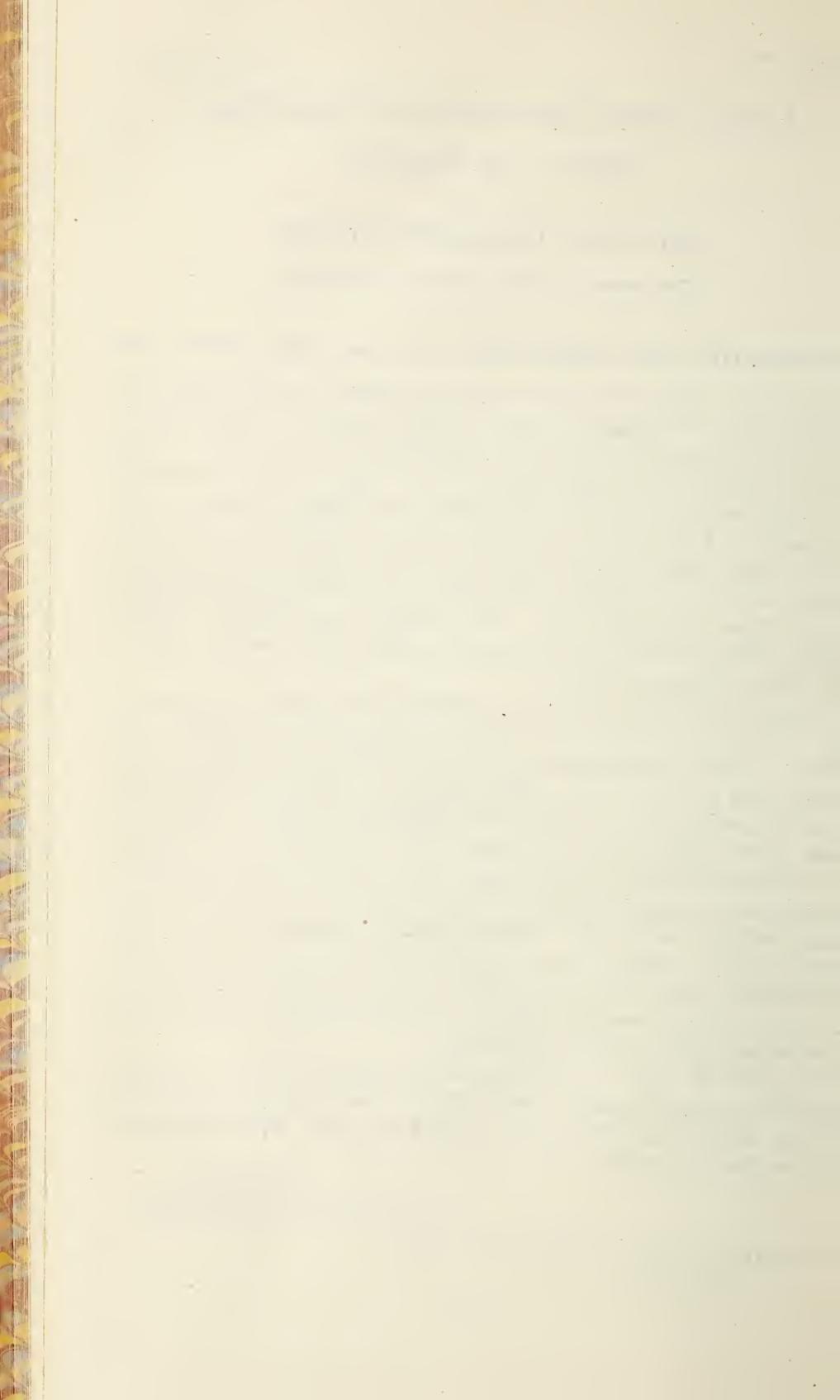
On June 26, 1912, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be sold or destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 30, 1912.

71286°—No. 2046—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2047.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF LEMON FLAVOR.

On March 22, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Aaron Blumenthal, Joseph Blumenthal, Abraham Blumenthal, Jacob Blumenthal, Moses Blumenthal, and Meyer Blumenthal, doing business under the name of Blumenthal Bros., a copartnership, Philadelphia, Pa., alleging shipment by them, in violation of the Food and Drugs Act, on or about March 17, 1911, from the State of Pennsylvania into the State of North Carolina, of a quantity of lemon flavor which was misbranded. The product was labeled: "Blumenthal Bros. 257 N. Third St. Philadelphia. Justrite Lemon Flavor Citral and Color Added Guaranteed by Blumenthal Bros. under the Food and Drugs Act June 30, 1906. Serial No. 2031. Manufacturers and Importers of Flavoring Extracts, Essential Oils Harmless Colors and Sundries."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity at 15.6° C., 0.9076; alcohol, per cent by volume, 61.66; methyl alcohol, none; solids (grams per 100 cc.), 0.06; lemon oil by precipitation, 0.50 per cent; lemon oil by rotation, 0.53 per cent; citral (Hiltner method), 0.36 per cent; color, coal-tar dye, Naphthol Yellow S, S. & J. No. 4. Sample was not a lemon flavor but a terpeneless lemon extract containing a little oil of lemon and artificially colored. Misbranding was alleged in the information for the reason that the labels of the product bore a statement regarding it and the ingredients and substances containing it which was false and misleading in that each bottle of the product was labeled as set forth above by which label it was represented that the product was a lemon flavor, whereas, in truth and in fact, it was not a lemon flavor for the reason that lemon flavor should contain 5 per cent in volume of lemon oil, while in truth

and in fact the product did not contain 5 per cent in volume of lemon oil, but contained approximately one-half of 1 per cent of lemon oil.

On May 29, 1912, the defendants entered a plea of guilty to the information and the court imposed a fine of \$1.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 30, 1912.

2047



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2048.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED OLIVE OIL.

On April 8, 1912, the United States Attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 quart cans of so-called olive oil, remaining unsold in the original unbroken packages at Providence, R. I., alleging that the product had been shipped from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Olio puro E garantito di fontanarosa Italy pure olive oil Italy olio d'oliva soprattutto di fontanarosa avellino Italy Mike DeFeo sole agents, Schenectady, N. Y."

Adulteration of the product was alleged in the libel for the reason that said product, by its label, purported to be pure olive oil, whereas a certain substance, to wit, cottonseed oil, had been substituted in part in said product for pure olive oil. Misbranding was alleged for the reason that the cans of the product bore a label and designation reading as above set forth, to wit, that the product purported to be pure olive oil, whereas, in truth and in fact, it was not pure olive oil, but was composed in the proportion of approximately 50 per cent cottonseed oil and 50 per cent of olive oil or other oils. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, in that it bore the statement that it was pure olive oil, which statement was false and misleading in the particulars aforesaid.

On June 26, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be sold or destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 30, 1912.

71286°—No. 2048—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2049.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CATSUP.

On May 8, 1912, the United States Attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against E. C. Flaccus Co., a corporation, Wheeling, W. Va., alleging shipment by said company, in violation of the Food and Drugs Act, during the month of November, 1911, from the State of West Virginia into the State of New York, of a quantity of catsup which was adulterated. The product was labeled: "Guarantee of purity. The E. C. Flaccus Co., Wheeling, W. Va. U. S. A. Stag Brand Flaccus Catsup preserved with 1/10 of 1% Benzoate of Soda. Prepared by the E. C. Flaccus Co., Wheeling, W. Va., U. S. A."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 85 per one-sixtieth cmm.; bacteria numerous, estimated at not less than 225,000,000 per cubic centimeter; mold filaments in 32 per cent of the microscopic fields; bacterial débris, abundant. Adulteration of the product was alleged in the information for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On October 19, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 30, 1912.

71286°—No. 2049—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2050.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CANNED PEAS.

On April 25, 1912, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of canned peas remaining unsold in the original unbroken packages and in possession of parties to the United States Attorney unknown, alleging that the product had been shipped by Thorndike & Hix, Rockland, Me., from the State of Maine into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Kineo Brand—Green Peas—Packed for Charles Lawrence Co., Boston, Mass." "Soaked."

Misbranding of the product was alleged for the reason that certain retail packages of the product bore statements, designs, and devices regarding the ingredients and substances contained therein, that is to say, the words "Green peas," printed in a conspicuous manner on the front of each of the packages, and the word "Soaked" printed in an inconspicuous manner upon each of the packages, which said statements, designs, and devices were false and misleading in that they would lead the purchaser to believe that the food was a product known to the trade as canned fresh green peas, whereas, in truth and in fact, it was not a product known to the trade as canned fresh green peas.

On June 26, 1912, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be delivered to said claimant upon payment of the costs, amounting to \$35.71, and the execution of bond in conformity with section 10 of the Act.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., November 30, 1912.

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¹ For index of Notices of Judgment 1-1000, see Notice of Judgment 1000; 1001-2000, see Notice of Judgment 2000; future indexes to be supplementary thereto.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2051.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 8, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the St. Louis Dairy Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 11, 1911, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated. The product bore no label.

Analysis of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) 200,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 10,000,-000 *B. coli* group; 10,000,000 streptococci. (Sample No. 2) 2,200,000 bacteria per cc, plain agar, after 2 days at 37° C.; 1,000,000 gas-producing organisms; 1,000,000 streptococci. (Sample No. 3) 9,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 1,000,000 *B. coli* group; 10,000 streptococci. (Sample No. 4) 20,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 100,000 *B. coli* group; 100,000 streptococci. (Sample No. 5) 33,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 100,000 *B. coli* group; 100,000 streptococci. (Sample No. 6) 32,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 10,000,000 *B. coli* group; 10,000 streptococci. Adulteration of the product was alleged in the information for the reason that it consisted wholly or in large part of filthy, decomposed, or putrid animal substances, to wit, bacteria, including gas-producing organisms, *B. coli* group, and streptococci, and the product was filthy and decomposed.

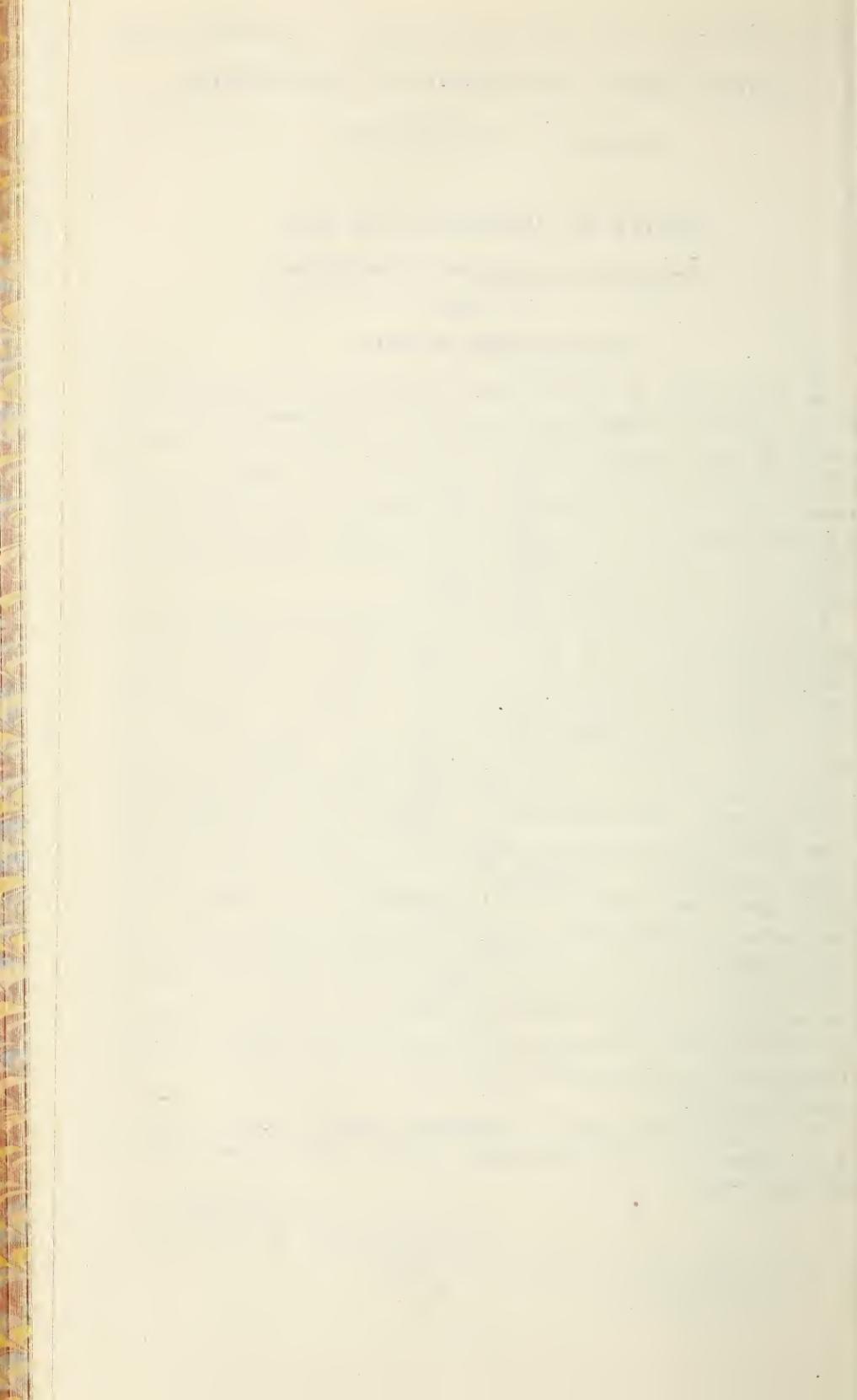
On September 25, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$50 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 30, 1912.

71297°—No. 2051—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2052.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED SYRUP OF TAMARIND.

At a stated term of the District Court of the United States for the Northern District of California the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against Joseph Finora, also known as I. G. Finora, doing business under the trade name of Finora & Co., San Francisco, Cal., alleging the sale and delivery for shipment under a written guaranty that the product was not adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, in violation of said Act, of a quantity of so-called syrup of tamarind, which said product, without having been changed in any particular, or the labels thereon, on August 2, 1911, was shipped from the State of California into the State of Nevada. The product was labeled: "The principal ingredients of this product were imported from Italy. Sciroppe Tamarindo Trademark Reg. U. S. Pat. Office Negrotti Bertin & Lepori, Inc., San Francisco, Cal.", and the label also bore the impression of a girl drinking out of a glass and sitting on the bough of a tree bearing red flowers.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids (per cent by weight), 63.90; non-sugar solids (per cent by weight), 3.4; sucrose (by Clerget), 0.75 per cent; reducing sugars as invert before inversion, 59.75 per cent; polarization, direct temperature at 20° C., -14.0° V.; polarization, invert temperature at 20° C., -16.0° V.; ash, 0.36 per cent; total acidity as tartaric, 1.81 per cent; tartaric acid, 1.24 per cent; bitartrate of potassium, 0.60 per cent; color (caramel) re-

moved by fuller's earth, 96.00 per cent; phosphoric acid, trace; acetic acid, trace; alcohol, absent; specific gravity, 15.6° C., 1.33. Adulteration of the product was charged in the indictment for the reason that an imitation tamarind syrup had been mixed and packed with genuine tamarind syrup so as to reduce, lower, and injuriously affect its quality and strength, and an imitation tamarind syrup had been substituted for the genuine tamarind syrup; in that said syrup contained little or no extract of the pulp of tamarind which should be contained in tamarind syrup; and that there had been substituted in place of the tamarind syrup sugar syrup, tartaric acid, and coloring matter. Misbranding of the product was charged in the indictment for the reason that the label on each of the bottles containing the so-called "Sciroppe Tamarindo" was false and misleading, in that the said label and the words and impressions thereon would give to the purchaser the impression that the product was a foreign product, and said labels were calculated to deceive and mislead the purchaser into the belief that the same was a foreign product, and by and through said labels and the impressions and words thereon the product purported to be a foreign product, whereas in truth and in fact it was not a foreign product, but was a domestic product and manufactured within the United States; that said labels were false and misleading, in that they and the words and impressions thereon would give to the purchaser thereof the impression that the product was genuine syrup of tamarind, whereas in truth and in fact it was an imitation of syrup of tamarind, artificially colored and flavored; that the labels were false and misleading, in that they would give to the purchaser of the product the impression that the ingredients of the said product were imported from a foreign country, to wit, Italy, whereas in truth and in fact very little, if any, of the ingredients used were products of Italy.

On July 10, 1912, the defendant entered a plea of guilty to the indictment and the court imposed a fine of \$100.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 30, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2053.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF "SUNSHINE SUFFOLK BISCUIT (ARROWROOT)".

On January 20, 1912, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Loose-Wiles Biscuit Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on May 25, 1911, from the State of Massachusetts into the State of Missouri, of a quantity of so-called "Sunshine Suffolk Biscuit (Arrowroot)", which was misbranded. The product was labeled: "Sunshine Suffolk (Arrowroot) Biscuit * * * Better than candy for children * * * Serial No. 7955. Loose-Wiles Biscuit Co."

Examination of a sample of the product by the Bureau of Chemistry of this Department showed only wheat flour, with a trace of corn starch, to be present. No arrowroot could be detected. Misbranding of the product was alleged in the information for the reason that the label on the containers thereof bore a certain statement regarding it which was false and misleading in certain particulars, that is to say, the statement in substance and effect following, "arrowroot", whereas in truth and in fact the product did not contain arrowroot. Misbranding was alleged for the further reason that the product was offered for sale and sold under the distinctive name of another article, to wit, arrowroot biscuit, whereas in truth and in fact it was not arrowroot biscuit.

On September 19, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$50.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 30, 1912.

F. & D. No. 3649.
I. S. No. 595-d.

Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2054.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED GRAPE JUICE.

On July 22, 1912, the United States Attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry T. Wilbur and Katherine C. Wilbur, a copartnership, doing business under the name of the Fredonia Wine Co., Fredonia, N. Y., alleging shipment by them, in violation of the Food and Drugs Act, on June 8, 1911, from the State of New York into the State of Tennessee, of a quantity of so-called grape juice which was adulterated and misbranded. The product was labeled: "Imperial Unfermented Grape Juice From Choicest Concord Grapes (Absolutely pure) Keep in cool place and serve cool. Put up in Chautauqua County, New York, W. E. Clarke Company, Distributors, Omaha, Neb. No. 17008, Guaranteed under the Food and Drugs Act, June 30, 1906. Concord Grape Juice—The simple unfermented juice of Selected Chautauqua Concord Grapes. This Grape Juice is a food—a nutritious food for both sick and well. Invalids, especially fever patients find it not only palatable, but appetizing and strengthening. It can be taken when medicine and other foods are rejected. Especially recommended as a food in Typhoid Fever, Pneumonia, Pleuritus, Peritonitis, Rheumatism, Lying-in Patients, and for all chronic diseases except Diabetes Melitis. For the sick add cold water as agreeable to the patient. In acute diseases the patient should take all that can be borne, beginning with a wineglass say every two or three hours. For the Sacrament, to each quart add one or two tumblers of cold water. As a beverage dilute with chipped ice. After being opened it will keep sweet for a time in a cool place.

Never changes while sealed. Measure of quarts 32 ounces; pints 16 ounces. Sweetened by Pure Cane Sugar. Always keep in a cool place."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that it is abnormal in composition because of excessive acid, low cream of tartar, insufficient crude ash, low total ash alkalinity, and the fact that the water insoluble alkalinity is greater than the water soluble alkalinity, which is contrary to available data on ash alkalinites of Concord grape juice. These discrepancies warrant the charge of sophistication. The determinations for the elements mentioned are, in grams per 100 cc of the sample: Total acid as tartaric, 1.013; fixed acid as tartaric, 0.995; other fixed acids expressed as tartaric, 0.611; total tartaric acid, 0.555; free tartaric acid, 0.213; cream of tartar, 0.203; tartaric acid to alkaline earths, 0.18; ash, 0.16; total ash alkalinity (cc N/10 acid), 22.8; alkalinity of water soluble ash, 10.8; alkalinity of water insoluble ash, 12.0. Adulteration of the product was alleged in the information for the reason that a partially fermented grape juice sweetened with cane sugar had been substituted in part for unfermented grape juice. Misbranding was alleged for the reason that the product was labeled as set forth above, which said label and statements were false and misleading, in that the product in fact was not unfermented grape juice absolutely pure, but was partially fermented, and contained cane sugar; that said product in truth and in fact consisted of grape juice which was partially fermented, and cane sugar, and was misbranded in that the following statement, to wit, "Unfermented Grape Juice, Absolutely Pure" borne on the label, was false and misleading in that it misled and deceived the purchaser into the belief that the product was a pure unfermented grape juice, whereas in truth and in fact it was partially fermented and contained cane sugar, the statement "sweetened by pure cane sugar" borne on the label not being sufficiently conspicuous and being wholly disconnected from the main label, to correct the deceit created by the main label. The product was further misbranded so as to deceive and mislead the purchaser in that the statement "Guaranteed under the Food and Drugs Act, June 30th, 1906" borne on the label, was false and misleading in that the same tended to create the impression that the same was guaranteed by the United States, whereas in truth and in fact it was not so guaranteed.

On September 10, 1912, the defendants entered a plea of guilty to the information and the court imposed a fine of \$10.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 2, 1912.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2055.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CONFECTIONERY.

On June 28, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George E. Sauerston and Frank D. Brown, copartners, doing business under the firm name of Sauerston & Brown, Cincinnati, Ohio, alleging shipment by them, in violation of the Food and Drugs Act, on October 21, 1911, from the State of Ohio into the State of Kentucky, of a quantity of confectionery which was misbranded. The product was labeled: (On each package) "Honey Maples Sauerston & Brown, Cincinnati, Ohio. U. S. Serial Number 4117." (On each individual piece of candy) "Favorite Honey Maples. Manufactured by Sauerston & Brown, Cincinnati, O."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Polarization at 22.5° C., direct, +83.6° V.; invert, +52.0° V.; invert, at 87° C., +53.6° V.; commercial glucose, 32.88 per cent; sucrose, Clerget, 24.04 per cent; sucrose, by copper, 22.53 per cent; reducing sugar as invert, before inversion, 15.88 per cent, after inversion, 39.6 per cent; soluble solids, 49.30 per cent; ash on soluble solids on 100 gram sample, 1.174; insoluble ash, 0.210 per cent; soluble ash, 0.964 per cent; alkalinity of soluble ash, 52.0 cc; malic acid, negative; insoluble solids consist chiefly of cocoanut. Misbranding of the product was alleged in the information for the reason that it was labeled and branded as set forth above so as to deceive and mislead the purchaser thereof, in that said label and brand was calculated and in-

tended to and did create the impression and belief in the mind of the purchaser that the product was composed of honey and maple sugar, whereas in truth and in fact it consisted of a mixture of commercial glucose, sucrose, and cocoanut and did not possess, either in flavor or substance, the qualities and characteristics of either honey or maple sugar; that the label and brand on said product bore a statement regarding it and the ingredients and substances contained therein, which statement, to wit, "Honey Maples," was false, misleading, and deceptive, in that it purported and represented the product to consist of and possess the flavors of honey and maple sugar, whereas, in truth and in fact, it did not consist of maple sugar, but was, in fact, a mixture of commercial glucose, sucrose, and cocoanut, with no flavor of either honey or maple sugar; that the name of the guarantor, namely, the firm of Sauerston & Brown, was not stated on the guaranty legend appearing on the label and brand as aforesaid, as required by the regulations, to wit, Food Inspection Decision No. 99, and the guarantee as it appeared upon the label and brand, to wit, "U. S. Serial No. 4117," was misleading and deceptive and constituted a misbranding under the Food and Drugs Act, in that it tended to create the impression and belief that the product was guaranteed by the United States Government to be pure and to conform in all respects to the provisions of the Food and Drugs Act, whereas such was not the fact and was untrue and false.

On July 12, 1912, the defendants entered a plea of guilty to the information and the court imposed a fine of \$25 with costs of \$14.65.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., December 2, 1912.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2056.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED BLACKBERRY FLAVORED JUICE.

On June 27, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mihalovitch Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 24, 1911, from the State of Ohio into the State of Missouri of a quantity of so-called blackberry flavored juice which was adulterated and misbranded. The product was labeled: (On shipping case) "Mihalovitch's Hungarian Brand Blackberry Flavored Juice." (On 2 sides) "The original contents of this package guaranteed under the National Pure Food Act of June 30, 1906." (On top) "Glass This Side Up with Care. 12 bottles contains 2-1/2 gallons." (On bottles, main label) "Mihalovitch's Hungarian Brand Blackberry Flavored Juice Bottled by the Mihalovitch Fletcher Co., Cincinnati, O." (Black label) "Mihalovitch's Hungarian Blackberry Flavored Juice x x x Is especially to be recommended in connection with the Ice Water, where it will correct all its damaging influence on the Stomach. For convalescent women and children it will offer itself as a most grateful beverage x x x Guaranteed by The Mihalovitch Co. under the National Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Color, appeared natural; solids, total, refractometer, 35.54 per cent; non-sugar solids, 2.00 per cent; sucrose, per cent, by Clerget, 0.91; sucrose, per cent, by copper, 0.24; reducing sugars as invert before inversion, per cent,

33.18; commercial glucose (factor 163), none; polarization, direct, temperature 22° C., -10.8° V.; polarization, invert, temperature 22° C., -9.6° V.; polarization, invert, 87° C., 0.0; ash, total, per cent, 0.313; ash, per cent, soluble in water, 0.278; ash, per cent, insoluble in water, 0.035; alkalinity of soluble ash (cc N/10 acid per 100 grams), 25.0; acids (cc N/10 alkali per 100 grams), total citric, 0.33; alcohol, 13.17 per cent; methyl alcohol, none; reducing sugars as invert after inversion, per cent, 33.54; benzoic acid, negative; salicylic acid, negative; saccharin, negative. Adulteration of the product was alleged in the information for the reason that another substance, to wit, a blackberry flavored cordial, was substituted wholly for what the product by its label purported to be, to wit, blackberry flavored juice. Misbranding was alleged for the reason that the product was labeled and branded as set forth above so as to deceive and mislead the purchaser thereof, in that said label and brand were calculated and intended to create the impression and belief that the product was blackberry flavored juice, whereas, in truth and in fact, it was not so, but was a blackberry flavored cordial; that the labels and brands on the product bore statements, designs, and devices regarding it and the ingredients and substances contained therein which were false, misleading, and deceptive, in that said statements purported and represented the product to be a blackberry flavored juice and to be, further, a foreign product of Hungarian origin and manufacture, whereas, in truth and in fact, the product was not blackberry flavored juice, but was a blackberry flavored cordial and was not a foreign product, or of Hungarian origin, but was a domestic product and of American origin and manufacture; that the product contained 13.17 per cent of alcohol, and, considered as a drug, it was therefore misbranded in that the labels and brands thereon failed to bear a statement of the quantity or proportion of the alcohol contained in the article.

On July 19, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$25 with costs of \$14.95.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 2, 1912.

F. & D. No. 3925.
S. No. 1374.

Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2057.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CHEESE.

On May 7, 1912, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 baskets of cheese remaining unsold in the original unbroken packages and in possession of Alfredo Spagna, Denver, Colo., alleging that the product had been shipped from the State of New York into the State of Colorado and charging adulteration in violation of the Food and Drugs Act. The product was shipped by Zucca & Co., New York, N. Y., and was labeled: "Coated with barium sulphate, remove rind before eating."

Adulteration of the product was alleged in the libel for the reason that it was composed in whole or in part of filthy, putrid, and decomposed animal or vegetable matter so as to render it wholly unfit for use and consumption as food.

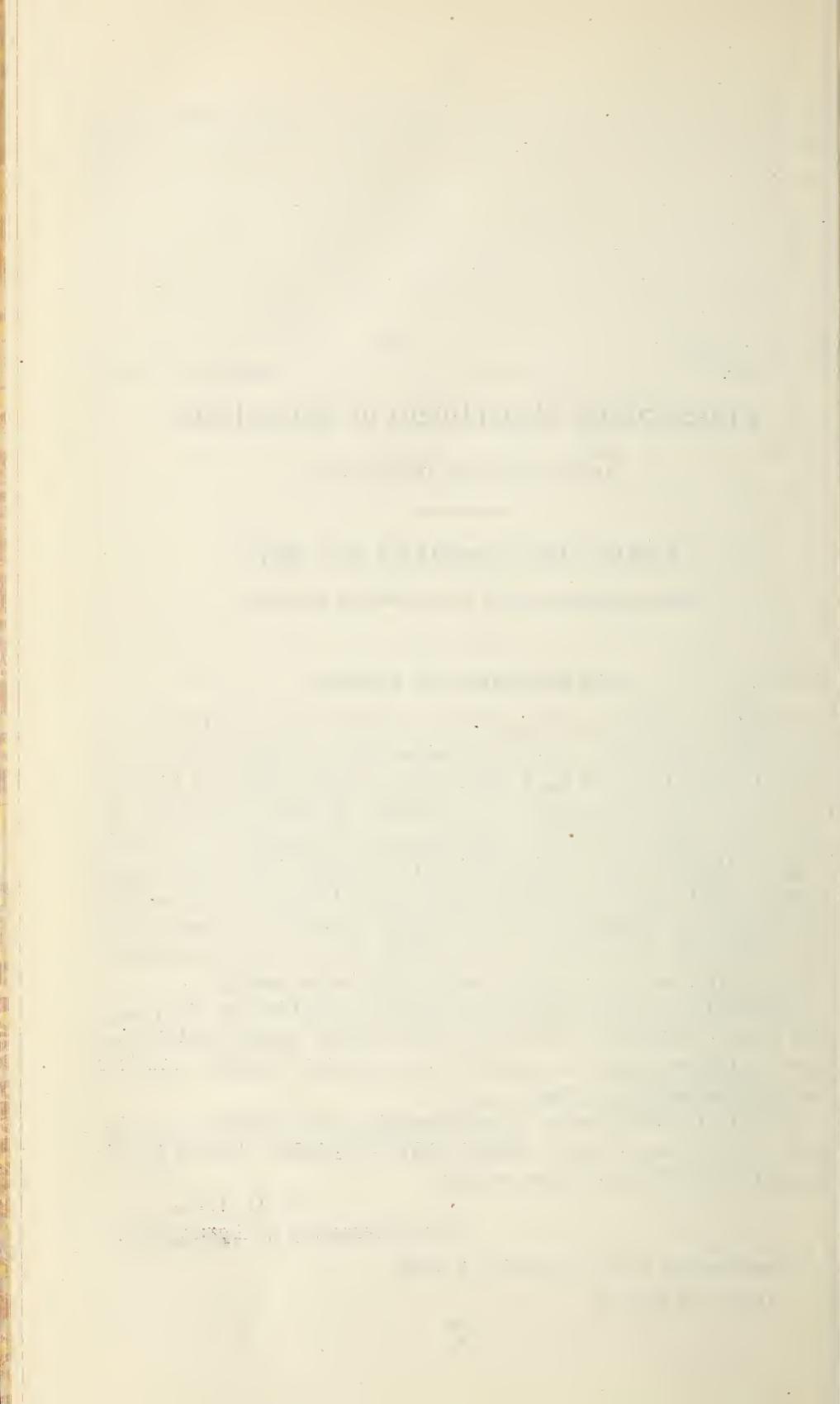
On July 17, 1912, decree of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 3, 1912.

71297°—No. 2057—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2058.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CHICORY.

On May 13, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 bags, each containing 160 pounds, of chicory remaining unsold in the original unbroken packages and in possession of the Hanley & Kinsella Tea & Coffee Co., St. Louis, Mo., alleging that the product had been shipped during the month of April or May, 1912, by E. B. Muller & Co., Fort Gratiot, Mich., and transported from the State of Michigan into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. Thirty of said bags were branded: "12A" and bore tags inscribed "Hanley and Kinsella #o. 12 A," and the remaining thirty bags were branded "14," and bore tags inscribed "#14 Hanley and Kinsella."

Adulteration of the product was alleged in the libel for the reason that a substance other than chicory, to wit, sand, had been mixed and packed with the chicory so as to reduce, lower, and injuriously affect its quality and strength, the sand so mixed with the chicory in each of the bags being to an amount equal to between 5 and 6 per cent of the contents of each of the bags.

On July 3, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be sold by the United States marshal. On October 11, 1912, a supplemental decree was entered providing that the product should be released to said E. B. Muller, claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of \$500 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., January 7, 1913.

73620°—No. 2058—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2059.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF NITROGLYCERIN TABLETS.

On July 6, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John T. Milliken, doing business under the firm name and style of John T. Milliken & Co., St. Louis, Mo., alleging shipment by him, in violation of the Food and Drugs Act, on or about November 11, 1911, from the State of Missouri into the State of Indiana, of a quantity of nitroglycerin tablets which were adulterated and misbranded. The product was labeled: "1000 Tablets No. 403 Nitroglycerin (Glonoin) 1-50 Grain 12962 Jno. T. Milliken & Co., Manufacturing Chemists, St. Louis, U. S. A. 11911. Guaranteed by Jno. T. Milliken & Co. under Food and Drugs Act, June 30, 1906, No. 1392."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed nitroglycerin 0.012 grain per tablet. Adulteration of the product was alleged in the information for the reason that it was sold under the following professed standard of strength, to wit, one-fiftieth grain of nitroglycerin per tablet, whereas, in truth and in fact, the product was of a lower standard of strength, to wit, 0.012 grain of nitroglycerin per tablet. Misbranding was alleged for the reason that the statement upon the label "1000 Tablets No. 403 Nitroglycerin (Glonoin) 1-50 Grain" was false and misleading for the reason that it conveyed the impression that each tablet of the product contained one-fiftieth grain of nitroglycerin, whereas, in truth and in fact, each tablet thereof contained a less amount of nitroglycerin, to wit, 0.012 grain.

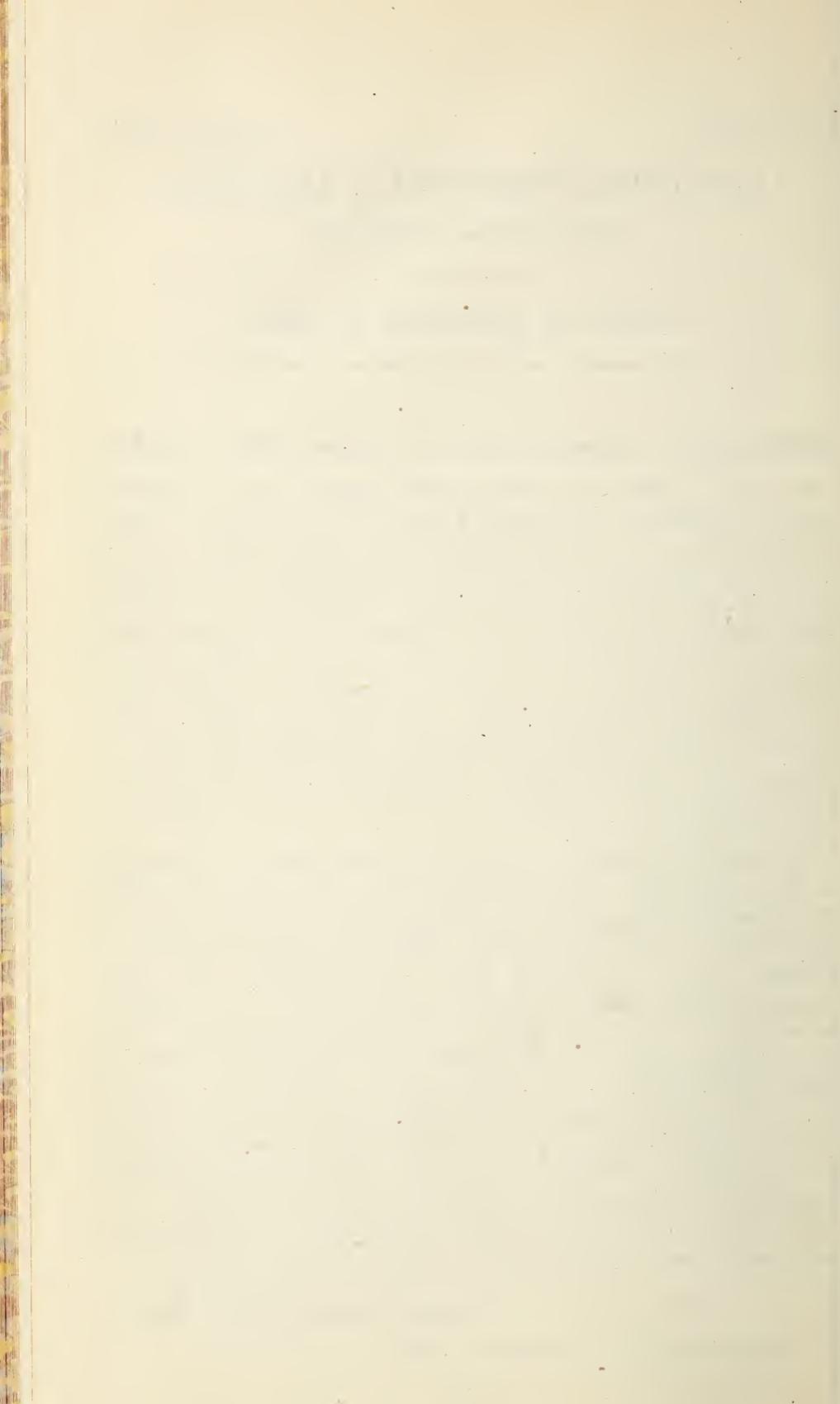
On July 8, 1912, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 3, 1912.

71290°—No. 2059—13





Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2060.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF BLACKBERRY CORDIAL.

On August 1, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the said District of Columbia an information against Frances Hollander, late of the District aforesaid, alleging that said defendant, on July 6, 1911, at the District aforesaid, sold, in violation of the Food and Drugs Act, a quantity of blackberry cordial which was adulterated and misbranded. The product was labeled: "B. B. Flavor—Choice Old Blackberry Cordial. Bottled by F. Hollander, 517 9th St., N. W., Washington, D. C."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

Specific gravity at 15.66° C-----	1.13321
Alcohol (per cent by volume)-----	8.82
Solids (per cent) by specific gravity (Brix table)-----	38.01
Reducing sugars, direct (grams per 100 cc)-----	28.52
Reducing sugars, invert (grams per 100 cc)-----	31.62
Sucrose, by copper (grams per 100 cc)-----	2.95
Non-sugar solids (grams per 100 cc)-----	6.54
Polarization, invert, 87° C----- °V-----	13.5
Glucose (grams per 100 cc)-----	8.3
Total acid as acetic (grams per 100 cc)-----	.65
Volatile acid as acetic (grams per 100 cc)-----	.18
Ash (grams per 100 cc)-----	.51
Water-insoluble ash (grams per 100 cc)-----	.09
Alkalinity of water-soluble ash (grams per 100 cc)-----	27.8
Water soluble P ₂ O ₅ -----	Trace
Water insoluble P ₂ O ₅ (mg. per 100 cc)-----	20.3
Chlorin as Cl. (grams per 100 cc)-----	.159
Coal-tar color-----	Ponceau 3R

Adulteration of the product was alleged in the information for the reason that starch sugar and artificial coloring matter had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength. Adulteration was alleged for the further reason that an imitation blackberry cordial containing starch sugar and artificial coloring matter had been substituted in whole or in part for the genuine article, to wit, blackberry cordial. Misbranding was alleged for the reason that the product was labeled as set forth above, which statement was false and misleading, and the product was labeled so as to deceive and mislead the purchaser into the belief that it was genuine blackberry cordial, whereas in truth and in fact it was an imitation blackberry cordial.

On August 1, 1912, the defendant entered a plea of guilty to the information and the court imposed a fine of \$20.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., December 4, 1912.

2060

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2061.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED CONCENTRATED EXPORT VINEGAR.

At a stated term of the District Court of the United States for the Northern District of California the grand jurors of the United States for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against Ben Schloss, doing business under the name of Schloss Crockery Co., San Francisco, Cal., alleging shipment by him, in violation of the Food and Drugs Act, on May 22, 1911, from the State of California into the State of Washington, of a quantity of so-called concentrated export vinegar which was adulterated and misbranded. The product was labeled: "Schloss Concentrated Export Vinegar 3 Gallons of chemically pure vinegar concentrated by distillation into 10 ounces. Recommended by the greatest chemists of Europe. Warranted to remain unchanged in any climate. Guaranteed chemically pure. To make a quart of pure food table vinegar, add the quantity contained between the graduated lines to a quart of water. Schloss Concentrated Export Vinegar. Chemical analysis; Chlorin, None; Sulphuric Acid, None; Sulphurous Acid, None; Iron, None; Lead, None; Copper, None; Color, Brown, Organic Matter, Trace; Pure Acetic Acid Vinegar, 80%. To make a good table vinegar, add 39 parts of water to one part of vinegar." (Blown in Bottle) "Schloss Concentrated Export Vinegar."

Analysis of a sample of the product by the Bureau of Chemistry showed the following results: Solids (grams per 100 cc), 1.73; ash (gram per 100 cc), 0.085; soluble ash (gram per 100 cc), 0.030; insoluble ash (gram per 100 cc), 0.005; P_2O_5 in ash, trace; acidity as acetic (grams per 100 cc), 82.2; color, removed by fuller's earth, 78 per cent; caramel, present. Adulteration of the product was alleged in the information for the reason that a substance, to wit, acetic acid,

colored with caramel, had been substituted for vinegar, and for the further reason that the product had been colored in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the product was labeled as set forth above, which label and the words thereon were false and misleading, in that they would, and were calculated to, deceive and mislead the purchaser into the belief that the product was a concentrated vinegar, whereas in truth and in fact it was not a concentrated vinegar, but was a highly concentrated acetic acid, colored with caramel. Misbranding was alleged for the further reason that the words on said label "3 gallons of chemically pure vinegar, concentrated by distillation into 10 ounces" were false and misleading in that said words would, and were calculated to, deceive and mislead the purchaser into the belief that the product was a vinegar concentrated by distillation, whereas in truth and in fact it was not a distilled vinegar; said words also would, and were calculated to, deceive and mislead the purchaser into the belief that the vinegar was the product of the concentration of three gallons of vinegar into 10 ounces whereas in truth and in fact the acidity of the 10 ounces would be equal to the acidity of only 1.6 gallons of vinegar.

On September 7, 1912, the defendant entered a plea of guilty to the indictment and the court imposed a fine of \$50.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., December 4, 1912.

2061



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2062.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED GELATINE.

On July 8, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the St. Louis Glue Manufacturing Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 30, 1911, from the State of Missouri into the State of Indiana, of a quantity of alleged gelatine which was adulterated and misbranded. The product was labeled: "485-34-451 R. W. Furnas Ice Cream Co., Indianapolis, Ind."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Amount of ash, 1.91 per cent; reaction of ash, alkaline; character of ash, non fusible; constituents of ash, lime, sulphates, trace of phosphates, trace of iron, trace of alumina; decomposition of jelly after 48 hours, none; character of solution, cloudy, gluey; viscosity, 33 seconds; odor, normal. Strength of jelly compared with copper standards: First day, No. 1; second day, No. 1; third day, No. 1. This product is a hide glue and not a gelatine. Shows no signs of decomposition, or that it was made from putrefying stock.

Adulteration of the product was alleged in the information for the reason that it was invoiced and sold as gelatine, and another article, to wit, glue, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and further, in that a substance, to wit, glue, had been substituted wholly or in large part for the product. Misbranding was alleged for the

reason that the product was an imitation of and offered for sale under the distinctive name of another article, to wit, gelatine, when in truth and in fact it was not a gelatine, but was glue.

On September 17, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$20 on the charge of adulteration and a fine of \$20 on the charge of misbranding.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., December 4, 1912.

2062



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2063.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF FISH.

On July 6, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Louis Maull Cheese & Fish Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 16, 1911, from the State of Missouri into the State of Oklahoma, of a quantity of fish which was misbranded. The product was labeled: "Flat Lake Fish, formerly called Family White Fish, Louis Maull, St. Louis, Mo."

Examination of a sample of the product by the Bureau of Chemistry of this Department showed that the contents of the package were small fish of the lake herring species (*Leucichthys*), decapitated, split, and preserved in brine. Misbranding of the product was alleged in the information for the reason that the label upon the pail containing the product, viz, "Flat Lake Fish, Formerly called Family White Fish," was false and misleading, for the reason that said fish were not flat lake fish, and were not formerly called family white fish, but were small lake herring. Said product was further misbranded in that it was labeled and branded as aforesaid, so as to mislead and deceive the purchaser into the belief that the product was flat lake fish, formerly called family white fish, when in truth and in fact it was not flat lake fish, and was not formerly called family white fish, but was small lake herring.

On September 17, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$20 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 4, 1912.

71290°—No. 2063—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2064.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CREAM AND EVAPORATED MILK.

On July 22, 1912, the United States Attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Richardson, Beebe Co., a corporation, East Aurora, N. Y., alleging shipment by said company on or about January 3, 1912, from the State of New York into the State of Pennsylvania, of two consignments of cream which was misbranded. The product in the first consignment was labeled: "To Crane Ice Cream and Dairy Co., 23rd and Locust Sts., Philadelphia, Pa. From the Richardson, Beebe Co., Principal Office East Aurora, New York. Manufacturers of Pasteurized Cream, Cloverfield Butter and Full Cream Cheese. 16 Cans. 160 gallons. Test 22."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Water, 71.58 per cent; fat, 21.00 per cent; ash, 0.60 per cent; total solids, 28.415 per cent; solids not fat, 7.405 per cent. Misbranding of this product was alleged for the reason that it was labeled as set forth above, the words "Test 22," indicating that the cream contained 22 per cent of butter fat, which said label and statement was false and misleading in that the product in fact consisted of water, 71.58 per cent; fat, 21.00 per cent; ash, 0.60 per cent; total solids, 28.415 per cent; solids not fat, 7.405 per cent; the amount of butter fat being 21 per cent, and not 22 per cent, as stated on the label.

The second consignment was labeled: "To Crane Ice Cream and Dairy Co., 23rd and Locust Sts., Philadelphia, Pa., From the Richardson, Beebe Co., Principal Office East Aurora, New York, Manufacturers of Pasteurized Cream, Cloverfield Butter and Full Cream Cheese. 10 Cans. ----gals. Test 12."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Water, 68.41 per cent; fat, 8.62 per cent; proteins, 8.70 per cent; lactose, etc., by difference, 12.32 per cent; ash, 1.95 per cent; total solids, 31.59 per cent; fat in solids, 27.28 per cent; ratio proteins to fat, 1:0.99. Misbranding was alleged in the information for the reason that the product was labeled as set forth above, the words "Test 12" indicating that the product contained 12 per cent of butter fat, which said statement was false and misleading, in that the product in fact consisted of water 68.41 per cent; fat, 8.62 per cent; proteins, 8.70 per cent; lactose, etc., by difference, 12.32 per cent; ash, 1.95 per cent; the amount of butter fat being 8.62 per cent and not 12 per cent as stated on the label. The product in the second consignment was evaporated milk and it was reported as such, but it was alleged in the information that it was cream.

On September 10, 1912, defendant company entered a plea of guilty to the information and the court suspended sentence.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 5, 1912.

2064

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2065.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SO-CALLED LEMON EXTRACT AND ORANGE EXTRACT, AND ADULTERATION AND MISBRANDING OF SO-CALLED VANILLA EXTRACT.

On July 22, 1912, the United States Attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kelley Whitney Extract Co., a corporation, Elmira, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on October 25, 1911, from the State of New York into the District of Columbia—

(1) Of a quantity of so-called lemon extract which was misbranded. The product was labeled: "Kelley Whitney Extract Co. Pure Concentrated Extract Lemon. For flavoring Ice Cream, Cake, Custards, etc., K. W. C. Guaranteed strictly pure. Caution. Do not use too much. One half teaspoonful to each quart will be sufficient. Manufactured by Kelley Whitney Extract Co., Elmira, N. Y., U. S. A." Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Lemon oil by precipitation, 4.9 per cent; lemon oil by polarization, 4.8 per cent; citral, 0.16 per cent; per cent citral in oil, 3.3; coal-tar dye, Aurotine. Misbranding of the product was alleged in the information for the reason that it was labeled as set forth above, which label was false and misleading in that the product in fact consisted essentially of lemon oil, by precipitation, 4.9 per cent; by polarization, 4.8 per cent; citral, 0.16 per cent; citral in oil, 3.3 per cent, and coal-tar dye, Aurotine, and was not pure concentrated lemon extract, and was artificially colored with coal-tar dye, Aurotine; that said food product was misbranded in that the following statement, to wit, "Pure con-

centrated extract lemon", borne on the label, was false and misleading, because it misled and deceived the purchaser into the belief that the product was a genuine extract of lemon, concentrated, whereas in truth and in fact it was an artificially colored extract of lemon, and was not concentrated. The product was further misbranded in that it was labeled and branded "Pure concentrated extract of lemon", whereas in truth and in fact it was an artificially colored extract of lemon, and was not concentrated.

(2) Of a quantity of so-called orange extract, which was misbranded. The product was labeled: "Kelley-Whitney Extract Co. Highly Concentrated Extract Orange. For flavoring Ice Cream, Cake, Custards, etc. K. W. C. The finest extracts in the City. Endorsed by the elite. Caution: Do not use too much. One half teaspoonful to each quart will be sufficient. Manufactured by Kelley-Whitney Extract Co., Elmira, N. Y., U. S. A." Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Orange oil by precipitation, 5.0 per cent; orange oil by polarization, 4.7 per cent; coal-tar dye, Brilliant Double Scarlet, 3 R. Misbranding of the product was alleged in the information for the reason that it bore the label set forth above, which label was false and misleading in that the product in fact consisted essentially of orange oil by precipitation, 5.0 per cent; by polarization, 4.7 per cent; citral indeterminable on account of color, and coal-tar dye, and was not pure concentrated orange extract, but was artificially colored with coal-tar dye. The product was misbranded in that the following statement, to wit, "Highly concentrated extract Orange", borne on the label was false and misleading because it deceived and misled the purchaser into believing that the product was an orange extract, highly concentrated, whereas in fact it was an artificially colored extract of orange, and was not highly concentrated. The product was further misbranded in that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "Highly concentrated extract Orange", thereby purporting that it was an orange extract, highly concentrated, whereas in truth and in fact it was an artificially colored extract of orange, and was not highly concentrated.

(3) Of a quantity of so-called vanilla extract which was adulterated and misbranded. The product was labeled: "Kelley-Whitney Extract Co., Highly Concentrated Extract Vanilla. Manufactured by Kelley-Whitney Extract Co., Elmira, N. Y., U. S. A. Serial No. 8431." Analysis of a sample of the product made by the Bureau of Chemistry of this Department showed the following results: Ethyl alcohol, per cent by volume, 20.54; methyl alcohol, per cent by volume, none; coloring matter, caramel present; amyl alcohol test,

small amount of natural coloring; vanillin, per cent by weight, 0.284; coumarin, per cent by weight, 0.058; coumarin, Leach's test, positive; vanilla resins, trace; lead No. 0.284. Adulteration of the product was alleged in the information for the reason that a substance, to wit, a compound of vanilla, vanillin, and coumarin, artificially colored, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and further, in that a substance, to wit, a compound of vanilla, vanillin, and coumarin, artificially colored, had been substituted wholly or in part for concentrated extract of vanilla, and further, in that the same was inferior to concentrated extract of vanilla. Misbranding of the product is alleged in the information for the reason that it was labeled as set forth above, which label was false and misleading, in that the product in fact consisted essentially of ethyl alcohol, per cent by volume, 20.54; vanillin, per cent by weight, 0.284; coumarin, per cent by weight, 0.058; vanilla resins, a trace, lead No. 0.284, and was not pure concentrated vanilla extract, and was artificially colored with caramel. The product was further misbranded in that the following statement, to wit, "Extract Vanilla," borne on the label, was false and misleading, in that it misled and deceived the purchaser into the belief that the product was a genuine extract of vanilla, conforming to the commercial standard of such article, whereas in truth and in fact it was not a pure extract of vanilla, but was a compound of vanilla, vanillin, and coumarin, artificially colored; that the product was further misbranded in that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "Extract Vanilla", thereby purporting to be a genuine extract of vanilla, conforming to the commercial standard of such article, whereas in truth and in fact it was a compound of vanilla, vanillin, and coumarin, artificially colored.

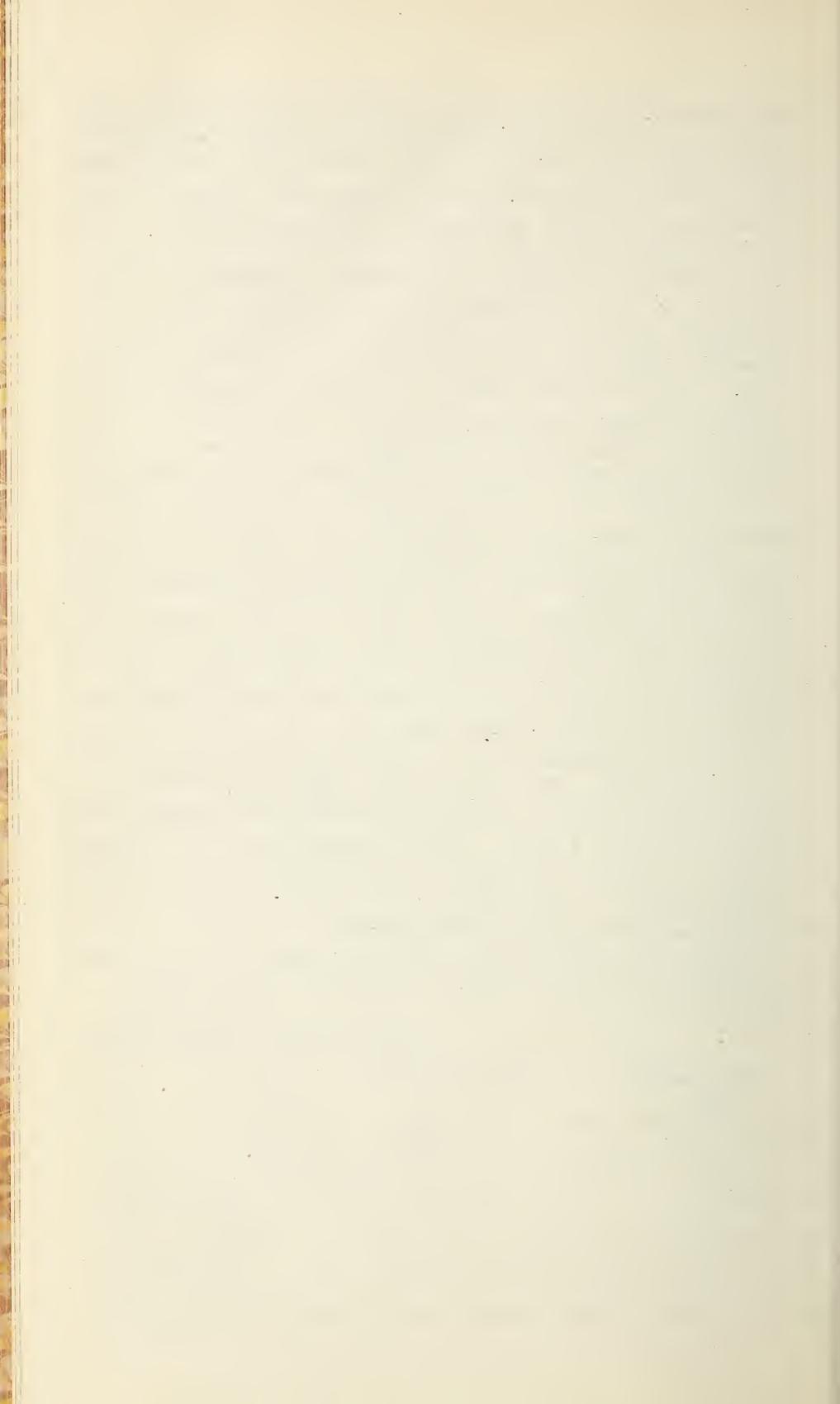
On September 10, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., December 5, 1912.





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2066.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED BLENDED PEACH BRANDY.

On June 28, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Julius Moyse and Alphonse Moyse, copartners, trading and doing business under the firm name of Moyse Bros., Cincinnati, Ohio, alleging shipment by them, in violation of the Food and Drugs Act, on August 24, 1910, from the State of Ohio into the State of Florida, of a quantity of so-called blended peach brandy which was adulterated and misbranded. The product was labeled: "Peach Brandy. Blended Peach Brandy, Proof 90, Moyse Brothers, Cincinnati, O. * * * Wholesale Liquor dealers and Rectifiers, 422 W. 4th St., Cincinnati, O. R. 9435483—Guaranteed under the National Pure Food and Drugs Act."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Proof, corrected 60° F., 87.5; acid (grams per 100,000 liters of 100 proof), 48; fusel oil (grams per 100,000 liters of 100 proof), 22.2; esters (grams per 100,000 liters of 100 proof), 37; aldehydes (grams per 100,000 liters of 100 proof), 3.7. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a mixture of peach brandy and neutral spirits, had been substituted wholly for what the article, by its label and brand, purported to be, to wit, blended peach brandy. Misbranding was alleged for the reason that the product was labeled and branded as set forth above, so as to deceive and mislead the purchaser thereof, in that the label was calculated and intended to create the impression and belief in the

mind of the purchaser thereof that the product was a pure blend of peach brandies, whereas in truth and in fact it was not blended peach brandy, but was a mixture of unlike substances, to wit, of peach brandy and neutral spirits. Misbranding was alleged for the further reason that the label on the product bore statements regarding it and the ingredients and substances contained therein, which said statements, to wit "Peach Brandy," and "Blended Peach Brandy," were false and misleading, in that said statements purported and represented the product to be peach brandy or blended peach brandy, whereas in truth and in fact it was neither peach brandy nor blended peach brandy, but was in fact a mixture of unlike substances, to wit, peach brandy and neutral spirits.

On July 12 the defendants entered a plea of guilty to the information and the court imposed a fine of \$25, with costs of \$14.65.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 5, 1912.

2066



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2067.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF TOMATOES.

On April 29, 1912, the United States Attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases each containing two dozen cans of tomatoes, remaining unsold in the original unbroken packages and in the possession of the Thompson Richie Grocer Co., Alexandria, La., alleging that the product had been shipped from the State of Maryland into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Eagle Queen Brand Hand Packed Tomatoes, contents 18½ oz. or over. Roberts Brothers, Baltimore, Md., Distributors."

Adulteration and misbranding of the product was alleged in the libel for the reason that the tomatoes were contained in cans, on which cans were displayed pictorial representations of large ripe tomatoes, also the labels aforesaid were pictorial representations of a large ripe tomato, and labeled as hand packed, whereas, as a matter of fact and truth, the cans contained a mixture of tomatoes and water, and were misbranded in violation of section 8, paragraph 1, of the Food and Drugs Act; that by said mixture their quality and strength was reduced and adulterated, and that an analysis of said tomatoes showed the amount of water added and contained therein to be 25 per cent.

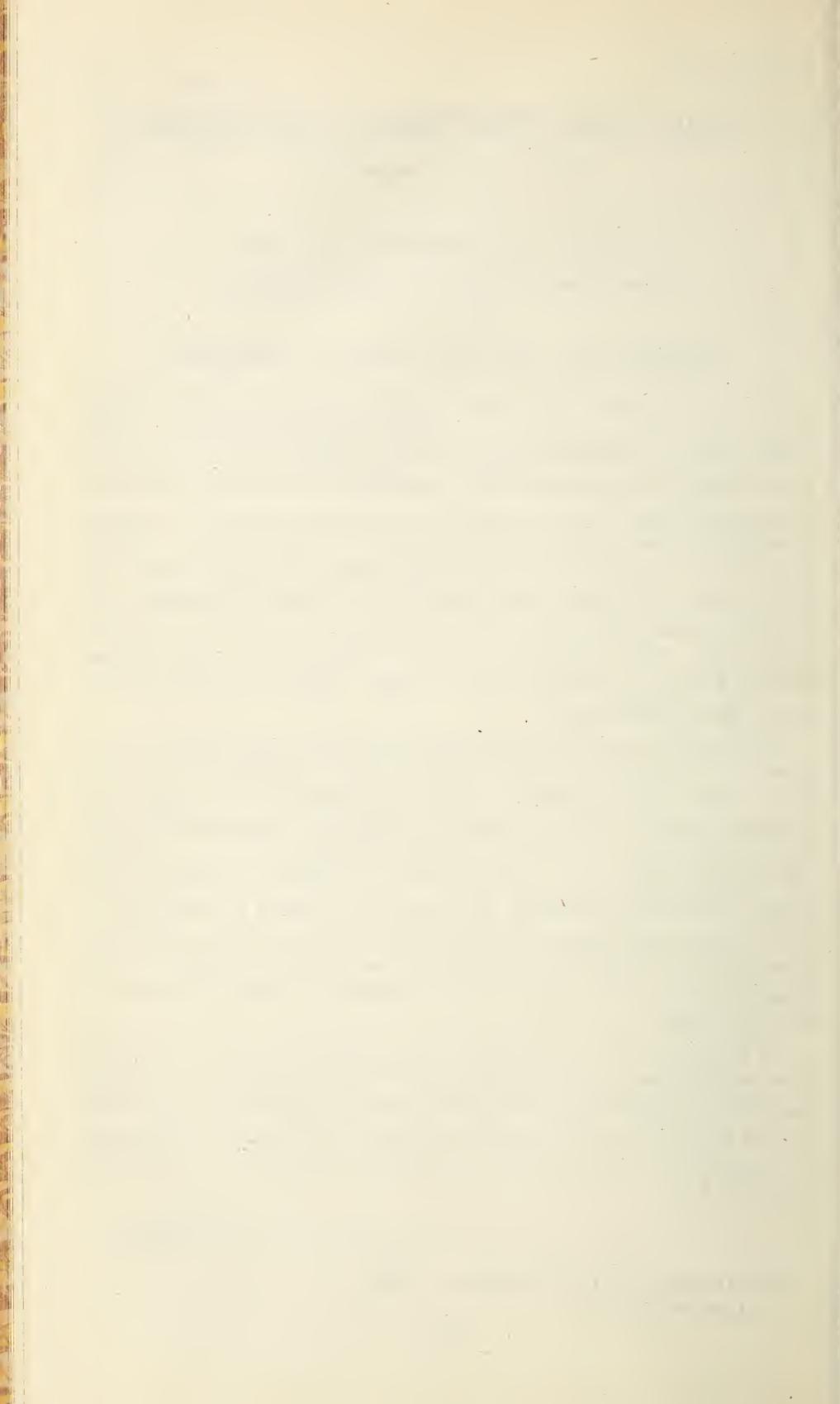
On July 16, 1912, said Roberts Bros., claimants, having consented thereto, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 5, 1912.

71290°—No. 2067—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2068.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On June 29, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Michael A. Wikle, Chesapeake, Ohio, alleging shipment by him, in violation of the Food and Drugs Act, on October 25, 1911, from the State of Ohio into the State of West Virginia of a quantity of milk which was adulterated. The product bore no label.

Analysis of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) 6,000,000 bacteria per cc, plain agar, after 4 days at 25° C.; 7,000,000 bacteria per cc, plain agar, after 4 days at 37° C.; 8,000,000 bacteria per cc, litmus lactose agar, after 4 days at 25° C.; 3,000,000 acid organisms; 1,000 gas-producing organisms; 1,000 streptococci. Adulterated. (Sample No. 2) 20,000,000 bacteria per cc, plain agar, after 4 days at 25° C.; 16,000,000 bacteria per cc, plain agar, after 4 days at 37° C.; 14,000,000 bacteria per cc, litmus lactose agar, after 4 days at 25° C., 100 per cent acid; 1,000 *B. coli* group; 10,000 streptococci. Adulterated. (Sample No. 3) 13,000,000 bacteria per cc, plain agar, after 4 days at 25° C.; 6,000,000 bacteria per cc, plain agar, after 4 days at 37° C.; 4,000,000 bacteria per cc, litmus lactose agar, after 4 days at 25° C.; 3,000,000 acid organisms; 100 *B. coli* group; 10,000 streptococci. Adulterated. Adulteration of the product was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed animal substance.

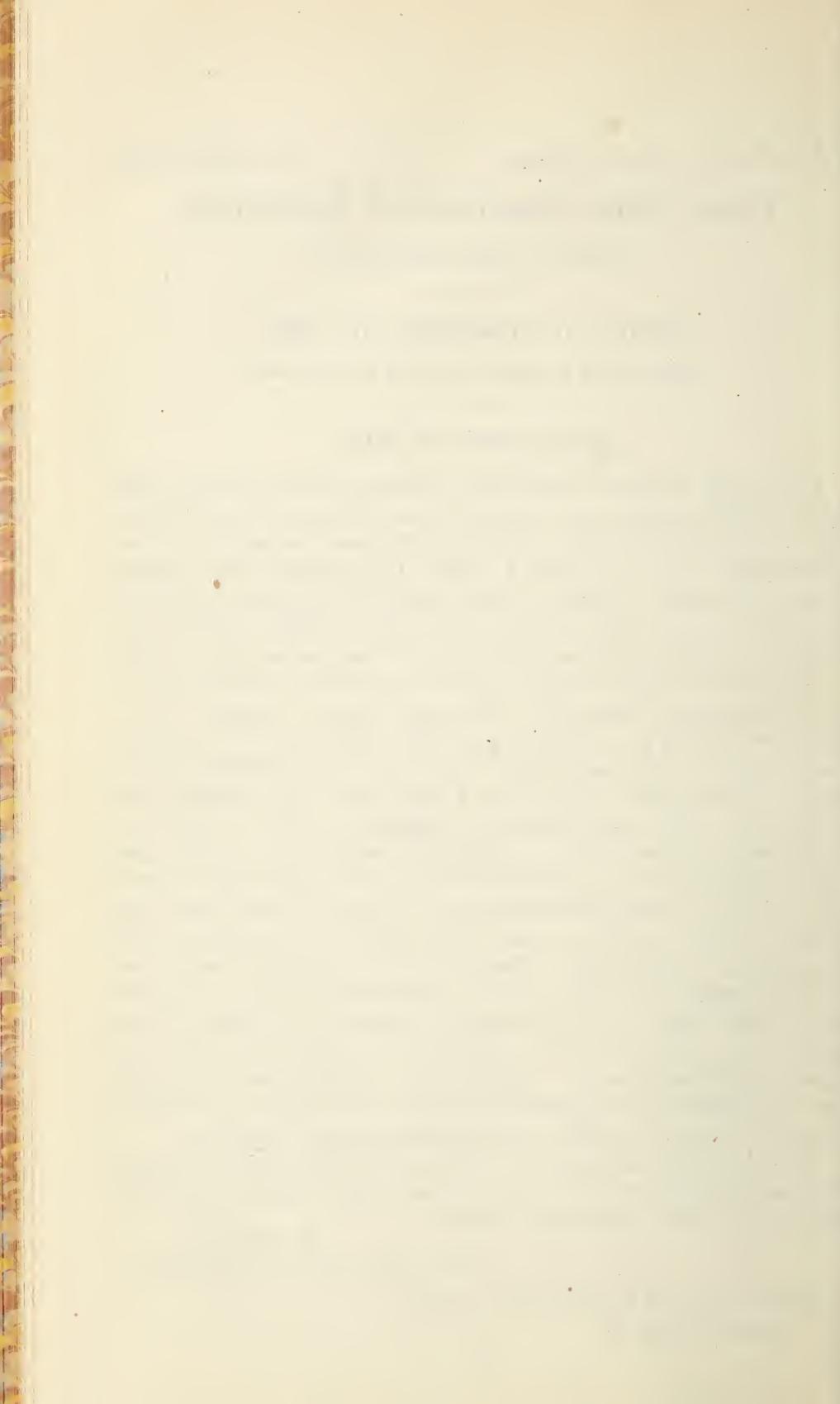
On July 3, 1912, defendant entered a plea of guilty to the information and was fined \$25 and costs, the fine being suspended upon payment of the costs, amounting to \$14.10.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 6, 1912.

71290°—No. 2068—13





F. & D. No. 3979.

S. No. 1385.

Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2069.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MINCEMEAT.

On May 16, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 cases, each containing 36 packages, of mincemeat remaining unsold in the original unbroken packages and in possession of the Wulffing Grocer Co., a corporation, St. Louis, Mo., alleging that the product had been shipped on or about January 30, 1912, by the W. H. Marvin Co., Urbana, Ohio, and transported from the State of Ohio into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Happy Home Mince Meat Wulffing Grocer Co. St. Louis, Mo." (On packages) "Happy Home Brand Mince Meat Packed for Wulffing Grocer Co. St. Louis, Mo. Guarantee. This Mince Meat is guaranteed to meet the requirements of the National Pure Food Law enacted June 30, 1906 and is composed of the following articles: Meat, raisins, currants, apples, sugar, syrup, salt, vinegar, spices and fruit juices. The meat contained herein has been inspected and passed at an establishment where Federal inspection is maintained. 12 oz., net."

Misbranding of the product was alleged in the libel for the reason that the labels upon the packages of the product contained statements which were false and misleading, in that said labels stated that the product was composed of meat, raisins, currants, etc., and was 12 ounces net, whereas the product contained only a trace of meat and the packages were 3.6 per cent short weight, and said packages

were labeled and branded so as to deceive and mislead the purchaser thereof.

On July 9, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., December 6, 1912.

2069



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2070.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF "LUKUM."

On May 17, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of four cases, each containing 150 packages, of "Lukum," a Greek candy or confection, remaining unsold in the original unbroken packages and in possession of the Greek Product Importing Co., a copartnership, 806 West Polk Street, Chicago, Ill., alleging that the product had been shipped on April 26, 1912, by the Syra Lukum Co., a corporation, New York, N. Y., and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "The Syra Lukum Co., Confectioners, 384 Pearl Street, New York City." (On packages) "Etaipeida oykomioy Ypoy—the Syra Lukum Co. Syra, Grèce—New York. Marque de Fabrique avis pour éviter les falsificateurs chercher sur les boites ma signature."

Misbranding of the product was alleged in the libel for the reason that it was labeled as set forth above, which labels were false and misleading, in that they purported to state that the product was a foreign product manufactured in Syra, Greece, whereas in truth and in fact the product was not manufactured in Syra, Greece, but was manufactured in the city of New York in the United States of America.

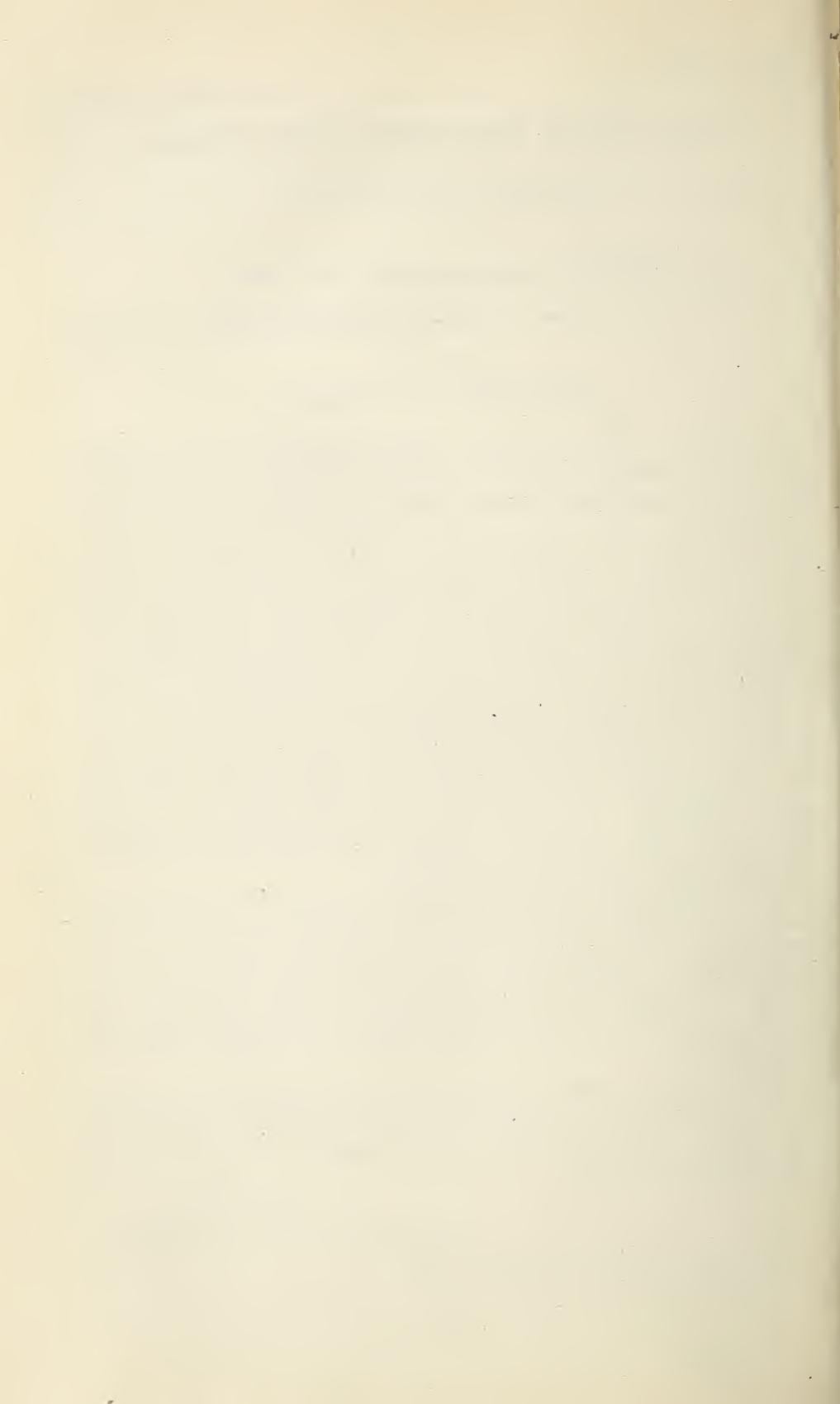
On September 11, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the property should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 6, 1912.

71290°—No. 2070—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2071.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SO-CALLED FRUIT JUICE.

On May 22, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 barrels of so-called fruit juice remaining unsold in the original unbroken packages and in possession of the Fall River Line, New York, N. Y., alleging that the product had been shipped on April 18, 1912, from the State of Massachusetts into the State of New York, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Guaranteed by the manufacturer under the Food and Drugs Act, June 30, 1906."

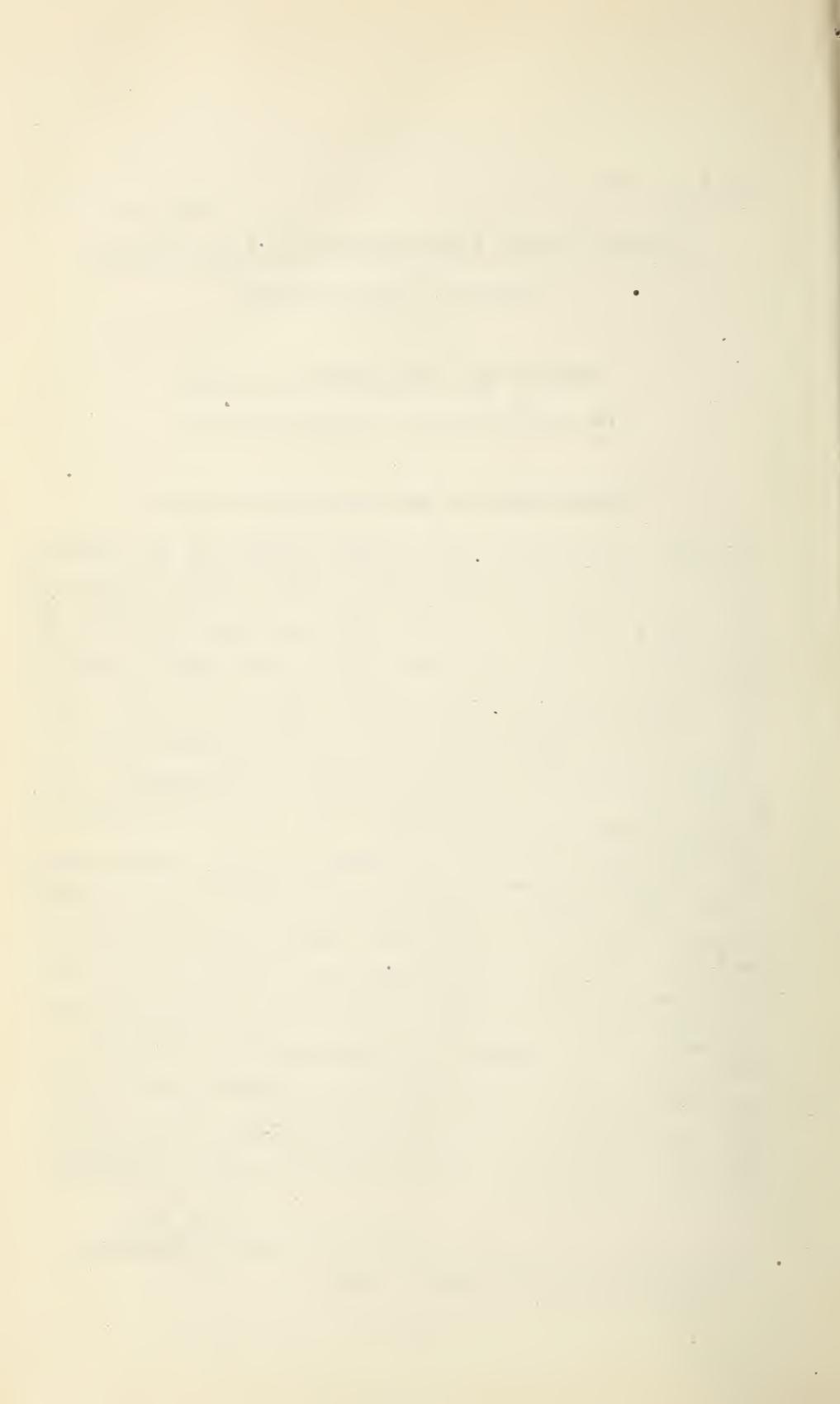
Misbranding of the product was alleged in the libel for the reason that it consisted of a certain mixture, to wit, fruit juice and benzoate of soda, which article was misbranded, in that it was an imitation of another article, to wit, fruit juice. Misbranding was alleged for the further reason that the product, to wit, a mixture of fruit juice and benzoate of soda, was offered for sale under the distinctive name of another article of food, that is, under the name of fruit juice.

On July 5, 1912, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to the F. L. Daggett Co., claimant, Boston, Mass., upon payment of all costs of the proceedings, amounting to \$65.01, and the execution of bond in the sum of \$250 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 7, 1912.





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2072.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OIL OF CASSIA.

On or about August 30, 1911, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the Circuit Court of the United States for said district an information against Clayton Rockhill and Carl L. Vietor, copartners, doing business under the firm name of Rockhill & Vietor, New York, N. Y., alleging shipment by them, in violation of the Food and Drugs Act, on or about July 25, 1910, from the State of New York into the State of Massachusetts, of a quantity of oil of cassia which was adulterated. The product was labeled: "The Puritan Brand Registered Trade Mark. Essential oils. Best Standard Quality Oil of cassia. Pounds $\frac{1}{2}$ from Rockhill & Vietor, New York, U. S. A. U. S. Serial No. 3429. Guaranteed under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product made by the Bureau of Chemistry of this Department showed the following results: Specific gravity, 1.0577; optical rotation, $+1.56^\circ$; solubility in 2 volumes, 70 per cent; alcohol not *perfect*; lead, present; rosin, present, trace; cinnamic aldehyde, 74 per cent; distillation residue, 8.85 per cent. Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, to wit, oil of cassia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said Pharmacopoeia at the times of shipment and investigation, among other things, in that as determined by said tests said article contained lead and rosin and no standard of strength, quality, or purity was stated thereon, other than the false statement that it was best standard quality.

On October 8, 1912, the defendants entered a plea of guilty to the information and the court suspended sentence.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 7, 1912.

F. & D. No. 4045.
S. No. 1400.

Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2073.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF BEER.

On May 27, 1912, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 barrels, each containing 10 dozen bottles of beer, remaining unsold in the original unbroken packages and in possession of Joseph Rausin, trading under the name of the Star Supply Co., Savannah, Ga., alleging that the product had been shipped on or about May 8, 1912, by the Monumental Brewing Co., Baltimore, Md., and transported from the State of Maryland into the State of Georgia, and alleging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On barrels) "Pa-Star Supply Co., Savannah, Ga." (On bottles) "Special Export Extra Pale Beer. Brewed from the very best Malt and hops."

Adulteration of the product was alleged in the libel for the reason that grains other than malt had been used in its manufacture and the resulting substances mixed and packed with it in such a manner as injuriously to affect its quality and strength. Adulteration was alleged for the further reason that little, if any, malt had been used in the manufacture of the product and that substances made from other grains than malt had been substituted wholly or in part for malt in said product. Misbranding was alleged for the reason that the product was labeled as set forth above, which label was false and misleading in that it would lead the purchasers to believe that the product was made from malt and hops, whereas, in fact, very little if any malt had been used in its manufacture and other grains had been substituted wholly or in part for this ingredient.

On July 9, 1912, the said Monumental Brewing Co., claimant, having admitted the allegation in the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to said claimant upon payment of all the costs of the proceedings and the execution of a bond in the sum of \$100 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 7, 1912.

2073



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2074.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF PEAS.

On May 27, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 24 cans of peas, remaining unsold in the original unbroken packages and in possession of L. M. Callegari, 1103 West Taylor Street, Chicago, Ill., alleging that the product had been shipped on or about December 9, 1911, by the Kokomo Canning Co., a corporation, Kokomo, Ind., and transported from the State of Indiana into the State of Illinois and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Lake Erie Early June peas—Lake Erie Brand—Split—Packed by the Kokomo Canning Company, Kokomo, Indiana."

Adulteration of the product was alleged in the libel for the reason that mature field peas which had been soaked extensively before canning had been substituted wholly or in part for early June peas. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled as set forth above, which said labels were false and misleading, in that they purported to state that the product was composed of genuine Lake Erie Early June Peas, whereas, in truth and in fact, it was not composed of Lake Erie Early June Peas, but consisted of an imitation thereof, to wit, mature field peas which had been soaked extensively before canning.

On September 11, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the United States marshal should destroy the product by fire.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 7, 1912.



F. & D. No. 4125.
S. No. 1412.

Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2075.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF FERNET-L-BRANCA.

On June 4, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 1 dozen bottles of Fernet-L-Branca, remaining unsold in the original unbroken packages and in possession of V. Viviano & Bros., St. Louis, Mo., alleging that the product had been shipped during the month of May, 1912, by the Cordial-Panna Co., Cleveland, Ohio, and transported from the State of Ohio into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On case) "Glass 2 V Viviano Bros (design of bottle) 1022 Seventh St. Louis, Mo." "Fernet-L-Branca The Cordial-Panna Co., Cleveland, Ohio." "Prepared and guaranteed by Prof. Antonio Alai Serial No. 34624". The bottles containing the product bore a label in Italian, which, being translated, read as follows: "Leone Branca and Company's Fernet-L-Branca, Milan, Jany. 15, 1911. Concession A A Italy. The true genuine Fernet-L-Branca the only strengthening tonic guaranteed for its true process of modern manufacture and by lawful medical science. Prepared by Prof. Antonio Alai, Member of the Accademia Chimico Fisica Italiana with the secret of the true formula Leone Branca. Its effect is surprising. Prepared by Prof. Antonio Alai and confirmed by certificate from the European Medical Congress Paris 1909, and by thirty-three testimonials from the most famous members of the Medical Profession." The last statements on the label show awards, or medals given the product by the King

of Italy, and contain caution as to imitations. (In English) "Fernet-L-Branca Leone Branca Italy. Cordial Panna Co., Sole Shipment Cleveland, Ohio. United States Mexico Canada Cuba Porto Rico Guaranteed by Prof. Antonio Alai Licensee Under the Foods and Drugs Act, June 30th 1906. Serial 34624."

Misbranding of the product was alleged in the libel for the reason that the labels upon the cases and bottles indicated that the product was manufactured in Italy, when, in truth and in fact, it was manufactured in Cleveland, Ohio, and for the further reason that the product purported to be a tonic or medicinal preparation and contained 32 per cent ethyl alcohol, and no statement of alcoholic content was announced upon the labels, and the cases and bottles were labeled and branded so as to deceive and mislead the purchaser thereof.

On July 3, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 7, 1912.

2075



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2076.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF LUKOUMIA (CANDY).

On June 6, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cases containing 313 packages of a Greek candy called Lukoumia, remaining unsold in the original unbroken packages and in possession of Nasiacos Importing Co., a copartnership, 744 Blue Island Avenue, Chicago, Ill., alleging that the product had been shipped on May 18, 1912, by A. Marcoupulos, also known as A. Marcopoulou, New York, N. Y., and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drug Act. The product was labeled: “Λυκουμία Λουκουμία A. Μαρκοπούλου Εργοστ. Ζαχαρούγαστικης,” Fabrique de Confiserie “H. Eλπις.” “L'Espérance” A. Marcopoulou Syra-Grèce New York. “Avis Pour éviter les Falsificateurs cherchez sur les boites ma signature A. Marcopoulou.”

Misbranding of the product was alleged in the libel for the reason that it bore the labels set forth above, which said labels were false and misleading in that they purported to state that the product was a foreign product, manufactured in Syra, Greece, whereas in truth and in fact it was not manufactured in Syra, Greece, but was manufactured in the city of New York, U. S. A. Misbranding was alleged for the further reason that the labels on the product were false and misleading in that they bore a design or device regarding the product, giving it the appearance of a foreign product, manufactured in Syra, Greece, whereas in truth and in fact it was not manufactured in Syra, Greece, but was manufactured in the city of New York, N. Y., U. S. A.

On September 11, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the United States marshal should destroy the product by fire.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 7, 1912.

2076



F. & D. No. 4165.
S. No. 1425.

Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2077.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF HORSE FEED.

On June 15, 1912, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on August 3, 1912, a supplemental libel, for the seizure and condemnation of 286 sacks of horse feed remaining unsold in the original unbroken packages and in possession of George B. Matthews & Son, New Orleans, La., alleging that the product had been shipped on or about April 30, 1912, by the Quaker Oats Co., Chicago, Ill., and transported from the State of Iowa into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "175 lbs. Schumacher Special (picture of horse) F. S. Horse Feed—A balanced ration—The Quaker Oats Company, Manufacturers & Distributors, Address, Chicago, U. S. A.—Schumacher Special Horse Feed—Guaranteed Analysis: Crude Protein 9.25% Crude Fat 3.25% Crude Fibre 8.00% Carbohydrates Nitrogen free extract 64.50%—made from Corn, Oats, Oatmeal Mill By-Product (Oat Middlings, Oat Hulls, Oat Shorts) $\frac{1}{2}$ of 1% salt."

Adulteration of the product was alleged in the libel for the reason that it was badly molded, had a very bad odor, and consisted of filthy, decomposed, and putrid vegetable substances, all a result of damage by rain caused during the course of interstate shipment from Iowa to Louisiana.

On August 17, 1912, the said George B. Matthews & Sons, claimants, having consented thereto, a decree was entered in the case

releasing unconditionally 112 sacks of the product which were found to be uninjured. A decree of condemnation and forfeiture was entered as to the remaining 174 sacks and it was further ordered that the 174 sacks should be released and delivered to said claimants with the privilege of their breaking the sacks and separating the good from the bad feed, destroying the bad and disposing of the good in a manner not contrary to the provisions of the law, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the Act.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., December 7, 1912.

2077



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2078.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF PEPPER.

On or about June 18, 1912, the United States Attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 pails, each containing approximately 30 pounds of ground black pepper, remaining unsold in the original unbroken packages and in possession of Jewett Bros. & Jewett (Inc.), Sioux Falls, S. Dak., alleging that the product had been shipped on or about November 25, 1911, by Arbuckle Bros., Chicago, Ill., and transported from the State of Illinois into the State of South Dakota and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Jewett's High Grade Brand Steel Cut Pepper—Jewett Bros., Aberdeen, So Dak. Jewett Bros. & Jewett, Sioux Falls, So. Dak.—Jewett Bros. & Co., Sheldon, Iowa (stenciled in large letters on top of pail) 30 lbs.—Sugar and Creamer—blk pepper—Jewett Bros. & Jewett, Sioux Falls, S. D.—St. P."

Misbranding of the product was alleged in the libel for the reason that it was labeled as containing 30 pounds of pepper, whereas, in truth and in fact, the weighing of the pails showed a shortage of $22\frac{1}{4}$ pounds in the contents, or an average of 4.6 per cent, and, further, for the reason that the arrangement of the principal label on each of the pails of the product conveyed the impression that it was manufactured by Jewett Bros. & Jewett, of Sioux Falls, S. Dak., when, in truth and in fact, the goods were manufactured by and purchased from Arbuckle Bros., of Chicago, Ill.

On July 25, 1912, a decree of condemnation and forfeiture was entered and it was further ordered that the product should be released to said Jewett Bros. & Jewett, claimants, upon payment of the costs of the proceedings, amounting to \$33.55, and the execution of a bond in conformity with the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 7, 1912.

71296°—No. 2078—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2079.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF HERRING.

On June 19, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 45 sacks, each containing 350 herring, remaining unsold and in the original unbroken packages, in possession of the Delaware Storage & Freezing Co., 403 North American Street, Philadelphia, Pa., alleging that the product had been shipped on or about June 12, 1912, from the State of New Jersey into the State of Pennsylvania and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Bernhart Ernst Bros., 2920 North 6th St., Philadelphia, Pa., from Delaware & Atlantic Fishing Co., Millville, N. J. H. Baderak, Proprietor," and the following inscription, *inter alia*, to wit: "Herring."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 12, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 7, 1912.

71296°—No. 2079—13



F. & D. No. 4188.
S. No. 1431.

Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2080.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SORGHUM SYRUP.

On June 22, 1912, the United States Attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 26 cases of sorghum syrup remaining unsold in the original unbroken packages and in possession of McCord Brady Co., a corporation, Cheyenne, Wyo., alleging that the product had been shipped from the State of Illinois into the State of Wyoming and charging misbranding in violation of the Food and Drugs Act. Nine of the cases were labeled: "1 Doz. No. 5 Cans Advo Pure Sorg. 5 lbs. net weight." and each can in said cases was labeled "Net weight 5 lbs." Seventeen of the cases were labeled: "½ Doz. No. 10 Cans Advo Pure Sorg. 10 lbs. net weight" and each can in said cases was labeled "Net Weight 10 lbs."

Misbranding of the product was alleged in the libel for the reason that it was in package form and the labels on each of the cans were stated in terms of weight and were not correctly stated, being labeled as set forth above, whereas in truth and in fact the cans contained in the 9 cases referred to did not contain 5 pounds each of sorghum as by the label was indicated, purported, and intended, but instead contained a much smaller amount, to wit, an average of 4.8 per cent less than 5 pounds weight of sorghum, and whereas, in truth and in fact, the cans contained in the 17 cases referred to did not contain 10 pounds each of sorghum, as by their label was indicated, purported.

and intended, but instead contained a much smaller amount, to wit, an average of 3.5 per cent less than 10 pounds weight of sorghum.

On July 15, 1912, the D. B. Scully Syrup Co., a copartnership, Chicago, Ill., claimants, having consented thereto, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$250, in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 7, 1912.*

2080



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2081.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING AND ALLEGED ADULTERATION OF SO-CALLED OLIVE OIL.

On June 20, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of four cases, each containing 12 gallons of so-called extra fine olive oil, remaining unsold in the original unbroken packages and in possession of Guzzetto Bros., 123 South Third Street, Easton, Pa., alleging that the product had been shipped on or about December 6, 1911, from the State of New York into the State of Pennsylvania and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Guzzetto Bros., Easton, Pa. G. Localio & Co., New York. Olive Oil." (On cans) "Extra Fine Olive Oil, Lucca, Italy, Olio D'Oliva, Torricelli Brand, Marca Depositata," and initials "T. B." in the form of a monogram, the principal label on each of the said tin cans also bearing coat of arms of Tuscany, branches of olive tree, and picture of spreading eagle.

Adulteration of the product was alleged in the libel for the reason that the cans containing the product purported by their labels to contain pure olive oil, but on the contrary a certain substance, to wit, cottonseed oil, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that a certain substance, to wit, cottonseed oil, had been substituted wholly or in part for olive oil. Misbranding was alleged for the reason that each of the cans containing the product was labeled as set forth above, by virtue of which label the product was represented to be a foreign product, to wit, a product which had been imported into the United States from a foreign country, to wit, Italy, whereas in truth and in fact it had not been imported into the United States from a foreign country but was a product which had been wholly or in large part produced in the United States of America. Misbranding was alleged for the further reason that the product by

its labels purported to be a pure olive oil but on the contrary it was not pure olive oil but was a mixture of olive oil and cottonseed oil.

On July 12, 1912, Guzzetto Bros., claimants, having consented thereto, judgment of condemnation and forfeiture was entered, the court finding the product misbranded. It was further ordered that the product should be released and delivered to said claimants upon payment by them of the costs of the proceedings, amounting to \$29.03, and the execution of a bond in the sum of \$250, in conformity with section 10 of the Act.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., December 7, 1912.

2081



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2082.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF JELLY.

On June 25, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 cases containing 48 cartons of jelly remaining unsold in the original unbroken packages and in possession of the A. Colburn Co., Philadelphia, Pa., and charging that the product was adulterated and misbranded in violation of the Food and Drugs Act. One of the cases was labeled "Regal Gelee Jelly, Vanilla," one was labeled "Regal Gelee Jelly, Peach," one was labeled "Regal Gelee Jelly, Wild Cherry," one was labeled "Regal Gelee Jelly, Raspberry," two were labeled "Regal Gelee Jelly, Strawberry," two were labeled "Regal Gelee Jelly, Raspberry," two were labeled "Regal Gelee Jelly, Lemon," and two were labeled "Regal Gelee Jelly, Orange"; four of the cartons were labeled "Regal Gelee Jelly, Vanilla, Manufacturee Par. Manufactured by Brault & DesJardins 135 St Paul, Montreal. Directions for jelly. Three cups of this powder in a half-gallon of boiling water, stir until well dissolved, then pour into moulds and keep in a cool place. Never use tin moulds. Directions: Pour Gelees, Trois tasses de cette poudre dans un demi gallon d'eau bouillante, agitez jusqu'a ce que le tout soit bein dissous, alors versez dans les moules et placez dans un endroit frais. Ne vous servez jamais de moules de ferblanc."; four of the cartons were labeled in the same manner as the first four with the exception that the word "Peach" appeared in place of the word "Vanilla"; four of the cartons were labeled in the same manner as the first four with the exception that the words "Wild Cherry" appeared in place of the word "Vanilla"; six of the cartons were labeled in the same manner as the first four with the exception that the word "Strawberry" appeared in place of the word "Vanilla"; six of the cartons were labeled in the same manner as the first four with the exception that the word "Raspberry" appeared in place of the word "Vanilla"; four of the cartons were labeled in the same

manner as the first four referred to with the exception that the word "Orange" appeared in place of the word "Vanilla"; four of the cartons were labeled in the same manner as the first four referred to with the exception that the word "Lemon" appeared in place of the word "Vanilla."

Adulteration of the product was alleged in the libel for the reason that certain substances, to wit, artificial flavors, artificial colors, gelatine or glue, sugar, and acid had been mixed with it so as to reduce, lower, and injuriously affect its quality, and for the further reason that artificial flavors, artificial colors, gelatine or glue, sugar, and acid had been substituted wholly or in part for the product. Adulteration of the product was alleged for the further reason that it was colored in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the cartons were labeled, among other things, "Regal Gelee Jelly," thereby representing the product to be jelly, whereas in truth and in fact it was not jelly but was an imitation thereof. Misbranding was alleged for the further reason that the cartons were labeled, among other things, "Regal Gelee Jelly, Manufacturee Par. Manufactured By Brault & Des-Jardins, 125 St. Paul Montreal," thereby representing the product to be a foreign product, to wit, a product which had been manufactured in a foreign country, to wit, Canada, and imported into the United States, whereas in truth and in fact it had not been manufactured in Canada and imported into the United States but was a product which had been manufactured in the United States.

On July 24, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 7, 1912.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2083.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On July 2, 1912, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 barrels of vinegar remaining unsold in the original unbroken packages and in possession of Drips & Smith, Rochester, Minn., alleging that the product had been shipped on September 9, 1911, by the William Henning Co., Chicago, Ill., and transported from the State of Illinois into the State of Minnesota, and alleging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On one end of barrel) "Wm Henning Co., Chicago—Percentum Acetic Acid 4½—Fermented Sugar Vinegar." (On other end of barrel) "45 Grains—Drips & Smith, Rochester, Minn."

Adulteration of the product was alleged in the libel for the reason that distilled vinegar had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that a substance, to wit, distilled vinegar, had been substituted in part for fermented sugar vinegar. Misbranding was alleged for the reason that the label on the product bore a statement which was false and misleading in that the product was described as fermented sugar vinegar, whereas, in truth and in fact, it consisted in part of distilled vinegar and was in imitation of and offered for sale under the distinctive name of another article, to wit, fermented sugar vinegar. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive the purchaser thereof by representing that it was fermented sugar vinegar, whereas, in truth and in fact, one of its ingredients was distilled vinegar.

On July 29, 1912, the said William Henning Co., claimant, having consented thereto, judgment of condemnation and forfeiture was entered and it was further ordered that the goods should be released

and delivered to said claimant upon payment of the costs of the proceedings, amounting to \$12.91, and the execution of a bond in the sum of \$200, in conformity with section 10 of the Act.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 7, 1912.*

2083



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2084.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CANDY.

On August 8, 1912, the United States Attorney for the Eastern District of Wisconsin, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Robert A. Johnston Co., Milwaukee, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 21, 1911, from the State of Wisconsin into the State of Minnesota of a quantity of candy which was adulterated. The product was labeled: "6 for 1c Chocolate Caramel Sticks" (small sticker on original pasteboard box); "Fine Confections Johnston's Milwaukee." (large sticker).

Analysis of a sample of the product made by the Bureau of Chemistry of this Department showed the following results: Coating, resinous material, probably shellac, approximately 0.14 per cent; arsenic (Gutzzeit), parts per million as As_2O_3 , 0.2. Adulteration of the product was alleged in the information for the reason that it contained as one of its ingredients a certain mineral and poisonous substance, to wit, 0.2 part per million of arsenic; and that said mineral and poisonous substance formed a constituent part of said article and rendered it deleterious and detrimental to health.

On September 7, 1912, the defendant entered a plea of guilty to the information and the court imposed a fine of \$5.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 7, 1912.

71580°—No. 2084—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2085.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SYRUP.

On July 11, 1912, the United States Attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of nine cases, each containing six 10-pound cans, and four cases, each containing twelve 5-pound cans "Polar Bear Brand"; thirteen cases, each containing twelve 10-pound cans, and eight cases, each containing twelve 5-pound cans "Pancake Brand" syrup, all remaining unsold in the original unbroken packages and in possession of the Alliance Grocery Co., Alliance, Nebr., alleging that the product had been shipped on or about June 3, 1912, by the Bliss Syrup Refining Co., Kansas City, Mo., and transported from the State of Missouri into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act. The cans of "Polar Bear Brand" were labeled: "Polar Bear (design of bear) Drips composed of one third sugar syrup, two thirds corn syrup. Bliss refining Co., Kansas City, Mo. Guaranteed by the Bliss Syrup Refining Co. under serial 873." The words "Polar Bear Brand" appeared on the labels in large, conspicuous type, while the remaining words on the label appeared in very small type. Misbranding of this portion of the product was alleged in the libel for the reason that the statement on the label set forth above was misleading in that it conveyed the impression to the purchaser that the product consisted of one-third sugar syrup and two-thirds corn syrup, whereas, in truth and in fact, it contained 69.8 per cent of glucose, and the product was further misbranded in that the word "Drip" in the label on each of the packages or cans conveyed to the purchaser the impression that the product was a syrup obtained by draining crystallized sugar, whereas, in truth and in fact, it consisted chiefly of glucose. The cans containing the "Pancake Brand" were labeled: "Pancake Drips Syrup Compound. Refined only by Bliss Syrup Refining Co. Kansas City, Mo.;" and there also appeared on each of the cans in small type: "Corn syrup 85 per cent, refiners

syrup, 15 per cent;" "5 lbs. net;" and also the statement: "Guaranteed by Bliss Syrup Refining Company under the Food and Drugs Act, June 30, 1906, Serial No. 873." The words "Pancake Drips" upon the label appeared in large and conspicuous type while the remaining portion of the label was in small type. Misbranding of this portion of the product was alleged in the libel for the reason that the statement on the label set forth above was misleading in that the word "Drips" on the label on each of the cans conveyed to the purchaser that the product was obtained by draining crystallized sugar, whereas, in truth and in fact, it consisted chiefly of glucose.

On August 16, 1912, the said Bliss Syrup Refining Co., claimant, having consented thereto, a decree of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to the claimant upon payment of all the costs and the execution of a bond in the sum of \$400, in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 9, 1912.*

2085



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2086.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF EGGS.

On July 19, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of eight drums, each containing 200 pounds, of desiccated eggs remaining unsold in the original unbroken packages and in possession of H. Meyer, 71 Barclay Street, New York, N. Y., alleging that the product had been shipped on or about July 15, 1912, from the State of Illinois into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product bore no label.

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On August 6, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 9, 1912.

71580°—No. 2086—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2087.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF FIGS.

On July 20, 1912, the United States Attorney for the Southern District of New York, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 mats of figs remaining unsold in the original unbroken packages and in possession of the Pennsylvania Railroad Co., Piers 4 and 5, North River, New York, N. Y., consigned to Wood & Selick, 36 and 38 Hudson Street, New York, N. Y., alleging that the product had been shipped from the State of Ohio into the State of New York on or about July 11, 1912, and charging adulteration in violation of the Food and Drugs Act. The product was unlabeled, except for the following notation: "Wood and Selick—36 and 38 Hudson St., New York—Importers and Manufacturers. Bakers' and Confectioners' Supplies—Machinery and Utensils—Ohio Bkg. Co., Cleveland, Ohio."

Adulteration was alleged in the libel for the reason that the product consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On September 9, 1912, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 9, 1912.

71580°—No. 2087—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2088.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CLARET WINE.

On July 29, 1912, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 70 barrels of so-called claret wine remaining unsold in the original unbroken packages and in possession of the New Orleans, Texas & Mexico Railroad at its warehouses, New Orleans, La., alleging that the product had been shipped on or about June 29, 1912, by the French-American Wine Co., San Francisco, Cal., and transported from the State of California into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "A. Rabito, Special Claret, 1135 Peter St., New Orleans, La., Distributor."

Misbranding of the product was alleged in the libel for the reason that it contained benzoate of soda which was not declared or stated in the label and that in this manner the label was false and misleading in regard to the ingredients of the product in that the label indicated the product to be claret wine; that claret wine does not contain any benzoate of soda, and that the indication that the wine was claret wine and the failure to state that it contained benzoate of soda was thus false and misleading and such as to deceive and mislead the purchaser into believing that the product was a claret wine without benzoate of soda when in truth and in fact it was not such wine but contained benzoate of soda, and was further misbranded in that it was an imitation of and offered for sale under the distinctive name of another article, to wit, claret wine, when in truth and in fact it was not claret wine but contained benzoate of soda.

On August 1, 1912, the said French-American Wine Co., claimant, having consented thereto, judgment of condemnation and forfeiture was entered, the court finding the product misbranded and adulterated. It was further ordered that the product should be released

and delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$800, in conformity with section 10 of the Act.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 9, 1912.*

2088



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2089.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF APRICOT CORDIAL.

On September 12, 1912, the United States Attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against A. Bastheim, F. V. Fisher, and J. L. Gottstein, copartners doing business as M. & K. Gottstein, Seattle, Wash., alleging shipment by them, in violation of the Food and Drugs Act, on or about February 18, 1911, from the State of Washington into the Territory of Alaska, of a quantity of apricot cordial which was adulterated and misbranded. The product was labeled: "High Grade Apricot Cordial, Guaranteed under the National Pure Food and Drugs Act."

Analysis of a sample of the product made by the Bureau of Chemistry of this Department showed the following results: Specific gravity $15.6^{\circ} \text{ C}/15.6^{\circ} \text{ C}$, 1.0931; alcohol (per cent by volume), 23.60; solids (grams per 100 cc), 31.24; nonsugar solids, none; sucrose by Clerget, 7.69 per cent; reducing sugar invert, 21.46 per cent; per cent sugar in solids, 100; polarization, direct temperature $20^{\circ} \text{ C}.$, $+1.4^{\circ} \text{ V}.$; polarization invert temperature $20^{\circ} \text{ C}.$, $-8.8^{\circ} \text{ V}.$; ash (grams per 100 cc), 0.011; acid, as acetic (grams per 100 cc), 0.217; lead precipitate, considerable; color removed by fuller's earth, none; esters, as ethyl acetate (grams per 100 cc), 0.0132; furfural (grams per 100 cc), 0.00012. Adulteration of the product was alleged in the information for the reason that a substance, to wit, an imitation apricot cordial artificially flavored, was substituted in part for the genuine article. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "High Grade Apricot Cordial," thereby purporting to be apricot cordial, whereas in truth and in fact it was an imitation apricot cordial artificially flavored, and it was further misbranded in that it was labeled and branded so as to deceive and mislead the purchaser, being labeled as aforesaid, thereby purporting to be a genuine

apricot cordial of high grade when in truth and in fact it was an imitation apricot cordial artificially flavored.

On September 14, 1912, the defendants entered a plea of guilty to the information and the court imposed a fine of \$100, with costs of \$31.15.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., December 9, 1912.

2089



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2090.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF POWDERED STRAMONIUM LEAVES.

On May 3, 1911, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Murray & Nickell Manufacturing Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on October 4, 1909, from the State of Illinois into the State of California, of a quantity of powdered stramonium leaves which were adulterated and misbranded. The product was labeled: "1 Lb. No. 60 Powdered Stramonium Leaves Poison 11008 *Datura* Stramonium Assay. .25 Guaranteed under the Food & Drugs Act June 30, 1906. Serial Number 1859. Murray & Nickell Mfg. Co. Drug Importers Millers Chicago."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Mydriatic alkaloids, (a) 0.11 per cent; (b) 0.126 per cent; (c) 0.114 per cent; ash, 21.76 per cent; 22.12 per cent; water-insoluble ash, 16.96 per cent; acid-insoluble ash, 8.08 per cent. Adulteration of the product was alleged in the information for the reason that it was sold by a name recognized in the United States Pharmacopœia, and differed from the standard of strength for said article as determined by the test laid down in said United States Pharmacopœia official at the time of shipment, in that the standard of strength in mydriatic alkaloids determined and laid down by said Pharmacopœia required that the product should contain not less than 0.25 per cent of such mydriatic alkaloids, whereas it contained less than 0.25 per cent of such mydriatic alkaloids, to wit, 0.126 per cent of such mydriatic alkaloids, and the standard of purity of the product was not stated upon the containers thereof. Misbranding was alleged for the reason that the product bore the label set forth above, which said label was a statement, design, and device regarding the article and the ingredients and substances contained therein which was false and misleading, in that the label purported to

state that the product, to wit, powdered stramonium leaves, assayed 0.25 per cent of mydriatic alkaloids, whereas, in truth and in fact, it did not assay 0.25 per cent but assayed a much less per cent, to wit, 0.126 per cent of mydriatic alkaloids.

On February 1, 1912, the case having come on for trial before the court and a jury, a verdict of guilty was rendered by the jury and on February 26, 1912, the court imposed a fine of \$50 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 9, 1912.

2090



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2091.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED ADULTERATION AND MISBRANDING OF POWDERED BELLADONNA LEAVES.

On May 2, 1911, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Murray & Nickell Manufacturing Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on October 4, 1909, from the State of Illinois into the State of California of a quantity of powdered belladonna leaves which were adulterated and misbranded. The product was labeled: "One Pound Powdered Belladonna Leaves Poison Belladonnae Folia Guaranteed under the Food & Drugs Act June 30, 1906. Serial No. 1859 Assay .30 Murray & Nickell Mfg. Co., Drug Importers Millers Chicago."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Mydriatic alkaloids, (a) 0.198 per cent; (b) 0.194 per cent; (c) 0.168 per cent; ash, 21.21 per cent and 21.38 per cent; water-insoluble ash, 16.42 per cent; acid-insoluble ash, 8.54 per cent. Adulteration of the product was alleged in the information for the reason that it was sold by a name recognized in the United States Pharmacopœia, and differed from the standard of strength as determined by the test laid down in said Pharmacopœia official at the time of shipment, in that the standard of strength in mydriatic alkaloids determined and laid down by said Pharmacopœia for the product required that it should contain not less than 0.3 per cent of such mydriatic alkaloids, whereas it contained less than 0.3 per cent of mydriatic alkaloids, to wit, 0.198 per cent of such mydriatic alkaloids, and the standard of purity of the product was not stated upon the containers thereof. Misbranding was alleged for the reason that the product bore the label set forth above, which said label was a statement, design, and device regarding the product and the ingredients and substances contained therein

which was false and misleading, in that the label purported to state that the product, to wit, powdered belladonna leaves, assayed 0.30 per cent of mydriatic alkaloids, whereas, in truth and in fact, it did not assay 0.30 per cent but assayed a much less per cent, to wit, 0.198 per cent of mydriatic alkaloids.

On January 30, 1912, the case having come on for trial before the court and a jury, a verdict of not guilty was returned by the jury by direction of the court.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 10, 1912.*

2091



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2092.

Given pursuant to section 4 of the Food and Drugs Act.

ADULTERATION OF MILK.

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles E. Tyler, Moosup, Conn., alleging shipment by him, in violation of the Food and Drugs Act, on September 6, 1911, from the State of Connecticut into the State of Rhode Island of a quantity of milk which was adulterated. The product bore no label.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity, 1.0278; total solids, 11.27 per cent; fat, 3.69 per cent; solids not fat, 7.67 per cent; refraction of serum, 39.0. The bacteriological examination showed the product to contain 9,000,000 bacteria per cubic centimeter after two days' incubation at 37° C. on plain agar; 8,000,000 bacteria per cubic centimeter after two days' incubation at 25° C. on litmus lactose agar; all alkaline; 10,000 gas-producing organisms and 1,000 streptococci per cubic centimeter. Adulteration of the product was alleged in the information for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that water had been substituted wholly or in part for the milk, and further, in that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On July 23, 1912, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$40.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 10, 1912.

71578°—No. 2092—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2093.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On June 8, 1912, the United States Attorney for the Northern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in six counts against the Haarmann Vinegar & Pickle Co., a corporation, Sioux City, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act—

(1) On or about November 9, 1910, from the State of Iowa into the State of South Dakota of a quantity of vinegar which was adulterated and misbranded. The product was labeled: "Haarmann Vinegar & Pickling Co. 4½% Acetic Acid. Cider Vinegar 48 gals. Sioux City, Iowa."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Alcohol by volume, 0.27 per cent; total solids (grams per 100 cc), 2.39; reducing sugars direct (grams per 100 cc), 0.99; reducing sugars after evaporation (grams per 100 cc), 0.96; non-sugars (grams per 100 cc), 1.43; per cent of sugar in solids, 41.00; glycerol (grams per 100 cc), 0.09; polarization direct at 20° C., -2.0° V.; ash (grams per 100 cc), 0.25; alkalinity soluble ash (cc N/10 alkali per 100 cc), 14.0; total acids (grams per 100 cc), 4.79; fixed acids, as malic (grams per 100 cc), 0.04; total color, 6.0° on brewer's scale; lead precipitate, very heavy; P₂O₅ water soluble (mg per 100 cc), 30.99; P₂O₅ water insoluble (mg per 100 cc), 23.8; alcohol precipitate (grams per 100 cc), 0.10; per cent of ash in non-sugars, 17.5.

(2) On or about April 7, 1911, from the State of Iowa into the State of South Dakota of a quantity of vinegar which was adulterated and misbranded. This product was labeled: "Jewetts High Grade Brand 4½ acetic 48 gals. Pure Cider Vinegar. Mf'g. for Jewett Bros. & Jewett, Sioux Falls, S. D."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Alcohol, per cent

by volume, 2.07; glycerol, 0.06 per cent; solids (grams per 100 cc), 2.34; nonsugar solids (grams per 100 cc), 1.70; reducing sugar invert before inversion after evaporation (grams per 100 cc), 0.64; per cent sugar in solids, 27.3; polarization direct at 22° C., -1.4° V.; ash (grams per 100 cc), 0.30; ash, insoluble in water (grams per 100 cc), 0.09; alkalinity soluble ash (cc N/10 acid per 100 cc), 11.8; total phosphoric acid (mg per 100 cc), 80.1; acid, as acetic (grams per 100 cc), 4.46; volatile acid, as acetic (grams per 100 cc), 4.41; fixed acid, as malic (grams per 100 cc), 0.05; lead precipitate, heavy; color, degrees, brewer's scale 0.5 in., 5 of 52 series; 3 of 50 series; pentosans, 0.07; ratio ash to nonsugar solids, 1:5.7. Adulteration of the product was alleged in the information for the reason that it consisted of cider vinegar and the same had been adulterated by reason of the fact that other substances, to wit, a dilute solution of acetic acid or distilled vinegar and a product high in reducing sugars and certain mineral matter, had been mixed with the product so as to reduce and lower or injuriously affect its quality and strength, and for the further reason that other substances, to wit, a dilute solution of acetic acid or distilled vinegar and a product high in reducing sugars, and the certain mineral matter, had been substituted wholly or in part for cider vinegar. Misbranding was alleged for the reason that the product bore the label set forth above regarding it or the substances contained therein, which said label, brand, and statement was false and misleading, in that the product was not cider vinegar but, on the contrary, consisted in whole or in part of a dilute solution of acetic acid or distilled vinegar, and a product high in reducing sugars and added mineral matter.

On October 18, 1912, the defendant company entered a plea of guilty to counts 1 and 4 of the information charging adulteration and the court imposed a fine of \$25 upon each of said counts with costs. Counts 2, 3, 5, and 6 of the information charging adulteration and misbranding of the product were dismissed.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 11, 1912.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2094.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF STOMACH BITTERS; ADULTERATION AND MISBRANDING OF EXTRACT OF PEPPERMINT; MISBRANDING OF CORDIAL.

On May 8, 1912, the United States Attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in four counts against the Weideman Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act—

(1) On or about December 15, 1910, from the State of Ohio into the State of Missouri of a quantity of bitters which was misbranded. The product was labeled: (On bottle) "Hamburg Stomach Bitters. Trade Mark * * * Weideman & Co. Sole Prop's. 35 per cent Alcoholic Strength. Hamburg Stomach Bitters * * * ". (Blown in bottle) "The Weideman Co. Cleveland, O."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that it consisted of a sweetened water and alcoholic liquor flavored with a small amount of flavoring material and colored with caramel; alcohol (per cent by volume), 37.75; sugar (grams per 100 cc), 18.56. Misbranding of the product was alleged in the information for the reason that the label and brand thereon was false in that it contained a statement that the product contained 35 per cent of alcohol, whereas, in fact, it contained a greater amount than 35 per cent, to wit, 37.75 per cent of alcohol, and for the further reason that the label contained a statement that was false and misleading, to wit, "Hamburg Stomach Bitters," which would lead the purchaser to believe that the product was of foreign manufacture, whereas, in fact, it was of domestic manufacture. The product was falsely branded as to the territory or country in which it was manufactured or produced, in that the statement, to wit, "Hamburg

Stomach Bitters" on the label indicated it to be a product manufactured in a foreign country, whereas, in truth and in fact, it was a product prepared and manufactured in the United States.

(2) On or about January 11, 1911, from the State of Ohio into the State of New York of a quantity of extract of peppermint which was adulterated and misbranded. The product was labeled: (On wrapper) "Standard Brand Extract of Peppermint." (On bottle) "Standard Brand Extract of Peppermint. Formula—Solution of Peppermint 800 parts, Hydro-Alcoholic Solution 2000 parts, Trace of harmless color."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Peppermint oil (by volume), 0.76 per cent; specific gravity, $15.6^{\circ}\text{C}./15.6^{\circ}\text{C}.$, 0.9147; alcohol, per cent by volume, 59.31; methyl alcohol, per cent by volume, none; solids, grams per 100 cc, 0.26; coal-tar color, present; color, light green SF yellowish. Adulteration of the product was alleged in the information for the reason that a substance, to wit, a dilute solution of peppermint, had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength, and further, in that a substance, to wit, a dilute solution of peppermint, had been substituted in part for the product indicated by the label and brand, and further, in that the product had been colored in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the statement, to wit, "Standard Brand Extract of Peppermint," borne on the label thereof, was false and misleading, in that it would deceive the purchaser into the belief that the product was a genuine standard brand extract of peppermint, whereas, in truth and in fact, it was not a standard brand extract of peppermint but consisted of a dilute solution of peppermint.

(3) On or about July 3, 1911, from the State of Ohio into the State of Missouri of a quantity of cordial which was misbranded. The product was labeled: (On front of package) "Fruits & Flowers. A Liqueur Par Excellence. The Weideman Co., Cleveland, O. Cordial. Artificially colored Triple Flavor." (On back) "Guaranteed under the National Pure Food & Drugs Act, June 30, 1906. Registered No. 2300. Guaranteed by The Weideman Co." (On neck) "Fruits and Flowers." (Picture of fruits and flowers).

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Alcohol by volume, 41.25 per cent; solids, calculated as sugar, grams per 100 cc, 27.4; sucrose, grams per 100 cc, 13.6; ash, grams per 100 cc, 0.012; colored with cudbear. This appears to be a wholly artificial product. No evidence of fruits and flowers. Misbranding of the product was alleged in the information for the reason that the label and brand

upon the package thereof was false and misleading, in that it would deceive and mislead the purchaser into the belief that the product was manufactured from fruits and flowers, whereas, in truth and in fact, it was produced from artificial flavors and was not the product of fruits and flowers. Misbranding was alleged for the further reason that the label and brand upon the package was false and misleading, the product being labeled "Fruits & Flowers" "Cordial," thereby purporting that it was manufactured from fruits and flowers, whereas, in truth and in fact, it was produced from artificial flavors.

On May 9, 1912, the defendant company entered a plea of guilty to the second and third counts of the information charging adulteration and misbranding of extract of peppermint and plea of nolo contendere as to the first and fourth counts charging misbranding of stomach bitters and cordial, respectively, and the court imposed a fine of \$25 each on the second and third counts, with costs of \$25.81.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 11, 1912.

2094



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2095.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF OYSTERS.

On February 14, 1912, the United States Attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 cases each containing two dozen cans of cove oysters remaining unsold in the original unbroken packages and in possession of Chastain, Davis & Vestal Co. Knoxville, Tenn., alleging that the product had been shipped on or about September 15, 1911, by the George W. Lowden Co., Savannah, Ga., and transported from the State of Georgia into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On case) "2 Doz. No. 1 Cove Oysters Venus Point Brand." (On cans) "Venus Point Brand Cove Oysters, Packed by Geo. W. Lowden, Main Office, Savannah, Georgia, Factories Georgia and South Carolina."

Adulteration of the product was alleged in the libel for the reason that water had been mixed and packed therewith and substituted for oysters, thus reducing their quality and strength. Misbranding was alleged for the reason that the label set forth above did not announce the presence of added water and bore no statements that the product was other than oysters and oyster liquor.

On July 26, 1912, the said George W. Lowden Co., claimant, having consented thereto, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to said claimant upon payment of the costs of the proceeding and the execution of a bond in the sum of \$250 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 11, 1912.

71578°—No. 2095—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2096.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF WINE.

On January 15, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the said District, holding a district court, a libel for the seizure and condemnation of two cases, each containing 12 bottles, of so-called "Sparkling Burgundy," remaining unsold in the original unbroken packages and in possession of Eugene Schwab, 525 Eighth Street SE., Washington, D. C.; and two cases, each containing 24 bottles of so-called "Sparkling Burgundy," remaining unsold in the original unbroken packages and in possession of the Lang Supply Co., 407 Seventh Street NW., Washington, D. C., alleging that the product had been shipped from the State of California into the District of Columbia, and charging misbranding under the Food and Drugs Act. The two cases in possession of Eugene Schwab were labeled: "12 large bottles—Sparkling Burgundy—Schlesinger & Bender, Inc., Sole Proprietors, San Francisco, Cal.—Terra Rica Vineyards, Souvenir Vintages, Glen Ellen, Sonoma Co., California—E. Schwab, Washington, D. C.—S. & B., Washington, D. C." The two cases in possession of the Lang Supply Co. were labeled as above with the exception that the words "24 small bottles" appeared instead of "12 large bottles." The bottles in the cases were labeled: "Table d'hôte—Terra Rica California—Est'd 1879—Type—Terra Rica Buffet Vintage, Glen Ellen, Sonoma Co., Cal. Type—Sparkling Burgundy—Schlesinger & Bender, Inc., Proprietors, San Francisco, Cal., U. S. A." and with a certain other label containing, among other things, the following: "Sparkling Burgundy—Terra Rica Buffet Vintages—Glen Ellen, Sonoma Co., Cal. Schlesinger & Bender, Inc., San Francisco, Cal."

Misbranding of the product was alleged in the libel for the reason that the product purported to be a liquid known as "Sparkling Burgundy" wine, the cases and bottles bearing labels as set forth above, which said labels bore certain statements regarding the product which

were false and misleading in that said statements imported that the product was a "Sparkling Burgundy" wine, whereas, in truth and in fact, it was not a sparkling wine and was not entitled by reason of its ingredients to be so called. The product was further misbranded in that it was offered for sale under the distinctive name of another article, to wit, under the name of "Sparkling Burgundy wine," when in truth and in fact it was not a sparkling wine nor entitled to be so called; and further, in that the product was labeled and branded so as to deceive and mislead the purchaser thereof. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof for the reason that the labels thereon signified and imported that the product was a natural sparkling Burgundy wine, whereas in truth and in fact it was not a sparkling wine, and was not a natural sparkling wine nor entitled to be so called, but was an artificially carbonated wine containing added substances and ingredients and none of such added substances and ingredients were named or set forth upon the labels as being contained in the product. Misbranding was alleged for the further reason that the words "Sparkling Burgundy," appearing upon the labels, imported and signified that the product was a wine manufactured in a foreign country and thereby purported to be a foreign product, when in truth and in fact it was not a foreign product nor imported into the United States, but was in fact a wine manufactured in the United States of America.

On September 26, 1912, said Schlesinger & Bender, a corporation, claimant, having entered their appearance and filed exceptions to the libel, which were heard and overruled, and no answer having been filed to the libel, judgment of condemnation was entered, and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 11, 1912.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2097.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF RICE.

On February 28, 1912, the United States Attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 bags of rice remaining unsold in the original unbroken packages and in possession of the H. T. Hackney Co. (Inc.), Jellico, Tenn., alleging that the product had been shipped on or about January 31, 1912, by the John S. Talmage Co. (Ltd.), New Orleans, La., and transported from the State of Louisiana into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act. Fifty bags of the product were labeled: "100 lbs. Domestic Honduras head rice coated with glucose and talc, remove by washing before using. 2084."

Misbranding of this portion of the product was alleged in the libel for the reason that the brand thereon was false and misleading, in that the product consisted of broken grains or screenings and not head rice. Twenty-five bags of the product were labeled: "Fancy Head 100 lbs. net rice, coated with glucose and talc, remove by washing before using. Domestic elk." Misbranding of this portion of the product was alleged for the reason that said label was false and misleading, in that the product consisted of a mixture of head rice and broken grains or screenings and did not consist of fancy head rice.

On April 12, 1912, the said John S. Talmage Co. (Ltd.), claimant, having consented thereto, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to said claimant upon payment of the costs of the proceeding and the execution of bond in the sum of \$250 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 11, 1912.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2098.

SUPPLEMENTARY TO NOTICE OF JUDGMENT NO. 835.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF WHITE PEPPER.

On or about October 10, 1910, Jacob Frank, Charles Frank, and Emil Frank were found guilty of a violation of the Food and Drugs Act, viz, the shipment, on or about December 16, 1908, from the State of Ohio into the State of Nevada, of a quantity of white pepper which was adulterated and misbranded, and were sentenced to pay a fine of \$50 and costs by the District Court of the United States for the District of Ohio. On November 9, 1910, said defendants appealed to the United States Circuit Court of Appeals for the Sixth Circuit from the decision of the District Court, and on December 5, 1911, the judgment of said District Court was affirmed in the Circuit Court of Appeals, as will appear more fully from the following opinion by the court (Knappen, *C. J.*):

The appellants were informed against under the Food and Drugs Act of June 30, 1906 (34 S. L., 768), for shipping in interstate commerce an article of food labeled "Perfection Mills Compound White Pepper," alleged in separate counts to have been, respectively, misbranded and adulterated. The alleged adulteration consists in the fact that the article contains only about 65 per cent of white pepper, the remaining 35 per cent. being a corn product, which is alleged to have been so mixed and packed with the pepper as to reduce and lower its quality and strength. As the corn product was of such a nature as not to constitute adulteration if properly branded, we may, with propriety confine our attention to the charge of misbranding.

The information charged that the article was labeled and branded as follows: "Perfection Mills Compound, White Pepper," in large and plain letters, and about one inch thereunder, the following words, to wit, "Composed of Ground White Pepper and Ground Cereals," in small and inconspicuous type, "so placed upon said label as not to be readily noticed by the purchaser." The information was demurred to as stating no offense under the act in question or under the laws of the United States. The demurrer was overruled. Thereupon a jury was waived by agreement of counsel.

A trial was had before the court upon an agreed state of facts (except in one particular hereafter mentioned) whereby the defendants, pleading not guilty to the charge in the information, admitted the fact of the alleged shipment in interstate

commerce, also that the article contained 65 per cent. of ground white pepper, and about 35 per cent of ground cereals, and that it was labeled, in large type "Perfection Mills Compound White Pepper," and in smaller type "Composed of Ground White Pepper and Ground Cereals"; also in substance, the purchase of a sample can by an inspector of the Bureau of Chemistry of the United States Department of Agriculture, its analysis by an analyst of that Department, and its possession by the United States District Attorney for use on the trial.

The Government admitted on the trial that the words "Composed of Ground White Pepper and Ground Cereals" are in type larger than the size required by Regulation 17C of the rules and regulations passed in conformity with the Food and Drugs act, and that the article of food contained no added ingredients poisonous or deleterious to health. The package was submitted to the court "so as to display the label thereon" and is returned with the bill of exceptions. The defendants then moved to dismiss the information, and for judgment in their favor, upon the grounds contained in the demurrer to the information. The motion was denied. The trial court held that the label was not in compliance with the law, found the defendants guilty and imposed a fine of \$50.

Upon the argument in this court, defendants urged that the information was improperly filed, and should be dismissed for that reason, upon the authority of United States v. 20 Cases of Grape Juice (C. C. A. 2) 189 Fed., 331, where it was held that in case the district attorney acts solely in pursuance of the report of the Secretary of Agriculture, under sections 4 and 5 of the food and drugs act, the notice and hearing provided by section 4 are conditions precedent to the filing of the information; such notice and hearing not appearing in this case. It would be enough to say that this proposition is not properly before us from the fact that no motion to dismiss for this reason was presented below, nor is the question raised by any pleading or presented by assignment of error. We do not, however, construe the information as showing that it was filed without investigation by the district attorney, or solely by authority of sections 4 and 5 of the act.

The fact that the case was finally heard by the court without a jury raises the question of the effect of the judgment when presented for review. By R. S. Sec. 566 (U. S. Comp. St. 1901, p. 461), the trial of issues of fact in the District Court is (with certain exceptions not material here) required to be by jury; and section 649 (page 25) which provides for a waiver of jury in the Circuit Court, has no application to the District Court. The result is that if the offense for which the defendants were tried amounts to a crime, as distinguished from a petty offense, it could, under Section 2 of article 3 of the Constitution of the United States, be tried only by a jury; and, if not so tried, the judgment would be a nullity and require reversal. On the other hand, if the offense is merely a "petty offense" the trial under waiver of jury would amount to an arbitration as to the questions of fact involved; and it would result that the court's conclusions of fact could not be reviewed here, and we would have no power to inquire into the sufficiency of the evidence to support the conviction, nor any question of law arising out of or upon the evidence. United States v. L. & N. Ry. Co. (C. C. A. 6) 167 Fed., 306, 93 C. C. A. 58; Low v. United States (C. C. A. 6) 169 Fed., 86-88; 94 C. C. A. 1; Rogers v. United States, 141 U. S. 548, 12 Sup. Ct. 91, 35 L. Ed., 853.

However, if the submission is upon an agreed state of facts, leaving for determination only a question of law arising thereon, the determination upon that question of law is reviewable. Henderson's Distilled Spirits, 14 Wall., 44, 20 L. Ed., 815. Counsel agree that the offense here charged is merely a "petty offense." Construing, as we do, section 2 of the food and drugs act, as providing for no imprisonment for the first offense, but merely for a fine not exceeding \$200, we agree with the counsel. Callan v. Wilson, 127 U. S. 540, 8 Sup. Ct., 1301, 32 L. Ed., 223; Schick v. United States, 195 U. S. 65, 24 Sup. Ct., 826, 49 L. Ed., 99.

Was the case finally heard solely upon an agreed state of facts so as to involve only a question of law? We think not. It is true that the case was heard in part upon an "agreed statement of facts," the substance of which has been before set out. But this statement contained no reference to the allegations made in the information that the words "composed of ground white pepper and ground cereals" were in "small and inconspicuous type so placed upon said label as not to be readily noticed by the purchaser" as well as the statement "that the label and branding as above set forth was calculated and intended to deceive and mislead the purchaser thereof." On the other hand, the package containing the pepper was submitted to the court upon the trial "so as to display the label thereon"; and we are unable to determine from the record that the court did not, in finding the defendants guilty take into account the relative size and prominence of the type of the letters following the first part of the label, in connection with the allegations in the information relating thereto, and draw inferences of fact therefrom. For this reason, we think the final judgment embraced the determination of a question of fact, which is not reviewable here. But the ruling upon demurrer to the information is still open to review, and its consideration seems to sufficiently present the meritorious question in the case.

Regulation 17e adopted for the enforcement of the Food and Drugs Act, provides that "an article containing more than one food product or active medicinal agent is misbranded if named after a single constituent." Defendants challenge both the validity of this regulation and its application to this case. In the view we take of the case, we have not found it necessary to consider either of these questions.

By section 8 of the act an article of food is declared to be misbranded "Second, if it be labeled or branded so as to deceive or mislead the purchaser," with the proviso attached to the fourth subdivision of the section that an article not containing any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded, and "Second, In the case of articles labeled, branded, or tagged, so as to plainly indicate that they are compounds, imitations or blends, and the word 'compound,' 'imitation' or 'blend' as the case may be, is plainly stated on the package in which it is offered for sale." We assume, for the purposes of this opinion, that if the statement of the ingredients of the "compound" were printed in type as large and prominent as that used in the primary label or brand, there would be no misbranding. But the information alleges the contrary of this, and that the branding was "calculated and intended to deceive and mislead the purchaser." Unless, therefore, the term "compound" on the label naturally implies that the article is a "compound" of white pepper and some ingredient or ingredients other than pepper, it seems clear that there is misbranding. Defendants contend that the term "compound" does naturally so imply; the argument being that as the second subdivision of the fourth paragraph of section 8 of the act provides "that the term "blend" as used herein shall be construed to mean that a mixture of like substances * * *" and regulation 27a made under the authority of the act, provides that "the terms 'mixtures' and 'compounds' are interchangeable and indicate the result of putting together two or more food substances, and that the statute is satisfied in the case of a compound, if the word "compound" is plainly stated on the package. We are disposed to the view that the result of the statute and the regulations thereunder is that a blend is a compound, but a compound may or may not be a blend; in other words, that the term "compound" whether as an adjective or as a substantive, sufficiently indicates that the article is a compound within the statute. The provision is that articles containing no poisonous or deleterious ingredients shall not be deemed to be misbranded "in the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds * * * and the word 'compound' * * * is plainly stated on the package.

A primary label "White Pepper Compound" would doubtless fairly indicate that the article is a compound of white pepper and some other ingredient, whether another kind of pepper or an unlike substance, it is not now necessary to decide. But the term "Compound White Pepper" does not, in our opinion, necessarily import the same idea as "White Pepper Compound." The adjective "compound" we think, is sometimes used colloquially, as meaning "having added strength" as a "compound extract." However, this may be, it seems clear that the term "Compound White Pepper" does not so naturally imply to the average purchaser, a mixture of white pepper with an ingredient other than pepper as to make it a proper branding, as against the fact (as alleged) that the statement of the ingredients is so placed and in such type as not to be readily noticed by the purchaser, and as to be calculated and intended to deceive and mislead the latter. While we have found no controlling authority in specific support of this view, we have found nothing persuasive to the contrary. The decisions principally relied on by the defendants (In re Wilson (C. C.) 168 Fed., 566; United States v. 68 Cases of Syrup (D. C.) 172 Fed., 781; United States v. Boeckmann (C. C.) 176 Fed., 382; United States v. 779 Cases of Molasses (C. C. A. 8) 174 Fed., 325, 98 C. C. A. 197) as well as the departmental rulings (one of the most prominent of which is F. I. D. 63) are all distinguishable from the case before us. In our opinion, the demurrer to the information was properly overruled.

The motion for new trial was addressed to the discretion of the court, and its denial is not subject to review.

It results from these views that the judgment of the District Court should be affirmed.

On March 6, 1912, the defendants paid the fine of \$50 assessed in the lower court, together with the costs, aggregating \$101.25.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 12, 1912.

2098



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2099.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CANDY.

On April 9, 1912, the United States Attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the George Ziegler Co., a corporation, Milwaukee, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 9, 1911, from the State of Wisconsin into the State of Colorado, of a quantity of candy which was adulterated. The product was labeled: "100 Peerless Cigars, Guaranteed by the George Ziegler Company, under the Food and Drugs Act, of June 30, 1906, Serial No. 2662."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: That the product as a whole contained arsenic in amount slightly in excess of two parts per million, estimated as arsenous oxide. The candy segars were coated with shellac, present in amount approximately 1.29 per cent. Examination of the shellac coating showed that the coating itself contained but traces of arsenic. Adulteration of the product was alleged in the information for the reason that it contained as one of its ingredients a certain mineral and poisonous substance, to wit, two parts per million of arsenic, and that said mineral and poisonous substance formed a constituent part of the product, and rendered and made it deleterious and detrimental to health.

On August 6, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 12, 1912.

71578°—No. 2099—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2100.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CANDY.

On April 9, 1912, the United States Attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the George Ziegler Co., a corporation, Milwaukee, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 7, 1910, from the State of Wisconsin into the State of Colorado, of a quantity of candy which was adulterated. The product was labeled: "Five Pounds Coon Faces. Guaranteed by Geo. Ziegler Co. under the Food and Drugs Act June 30, 1906, No. 2662." (On sticker) "Manufactured for Charles W. Lee, Pueblo, Colo."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

Ash, per cent.....	0.73
Arsenic, as As_2O_3 , by modified Gutzeit test:	
First determination.....	4 parts per million.
Second determination.....	4 parts per million.
Third determination.....	in excess of 4 parts per million.

Adulteration of the product was alleged in the information for the reason that it contained as one of its ingredients a certain mineral and poisonous substance, to wit, two parts per million of arsenic, and that said mineral and poisonous substance formed a constituent part of the product, and rendered and made it deleterious and detrimental to health. It will be noted that while the information alleged that the product contained two parts per million of arsenic, the analysis showed that it contained four parts or in excess of four parts per million.

On August 6, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 12, 1912.

INDEX TO NOTICES OF JUDGMENT 2001 TO 2100.¹

[Arranged under heads: Foods (p. 2); Beverages, including waters and medicated drinks (p. 3); Drugs (p. 4).]

FOODS.

(Arrowroot) Sunshine Suffolk biscuit:	N. J. No.	Gelatin:	N. J. No.
Loose-Wiles Biscuit Co.	2053	St. Louis Glue Manufacturing Co.	2062
Biscuit (arrowroot), Sunshine Suffolk:		Herring:	
Loose-Wiles Biscuit Co.	2053	Delaware & Atlantic Fishing Co.	2079
Candy, Chocolate caramel sticks:		Maull, Louis, Cheese & Fish Co.	2063
Johnston, Robert A., Co.	2084	Honey maples (candy):	
Candy, Coon faces:		Brown, Frank D.	2055
Ziegler, George, Co.	2100	Sauerston & Brown	2055
Candy, Honey maples:		Jelly, Cherry, Wild:	
Brown, Frank D.	2055	Brault & Des Jardins	2082
Sauerston & Brown	2055	Jelly, Lemon:	
Candy, Lukoumia:		Brault & Des Jardins	2082
Marcopoulou, A.	2076	Jelly, Orange:	
Marcopoulos, A.	2076	Brault & Des Jardins	2082
Candy, Lukum:		Jelly, Peach:	
Greek Product Importing Co.	2070	Brault & Des Jardins	2082
Syra Lukum Co.	2070	Jelly, Raspberry:	
Candy, Peerless cigars:		Brault & Des Jardins	2082
Ziegler, George, Co.	2099	Jelly, Strawberry:	
Catsup. (<i>See</i> Tomato ketchup.)		Brault & Des Jardins	2082
Cheese:		Jelly, Vanilla:	
Zucca & Co.	2057	Brault & Des Jardins	2082
Cherry jelly, Wild. (<i>See</i> Jelly, Cherry, Wild.)		Ketchup. (<i>See</i> Tomato ketchup.)	
Chocolate caramel sticks (candy):		Lemon extract. (<i>See</i> Extract, Lemon.)	
Johnston, Robert A., Co.	2084	Lemon jelly. (<i>See</i> Jelly, Lemon.)	
Coon faces (candy):		Lukoumia (candy):	
Ziegler, George, Co.	2100	Marcopoulou, A.	2076
Cream:		Marcopoulos, A.	2076
Richardson, Beebe Co.	2064	Lukum (candy):	
Desiccated eggs. (<i>See</i> Eggs, Desiccated.)		Greek Product Importing Co.	2070
Eggs, Desiccated:		Syra Lukum Co.	2070
Meyer, H.	2086	Milk:	
Evaporated milk. (<i>See</i> Milk, Evaporated.)		Appley, James L.	2001
Extract, Lemon:		Bennett, Albert F.	2004
Blumenthal Bros.	2047	Bennett, Earl.	2005
Kelley-Whitney Extract Co.	2065	Bernstein, Isaac.	2006
Extract, Orange:		Boratz, Jake.	2002
Kelley-Whitney Extract Co.	2065	Burdick, Walter L.	2003
Extract, Peppermint:		Clark, Martin.	2014
Weideman Co.	2094	Coats, George D.	2019
Extract, Vanilla:		Crandall, C. M.	2018
Kelley-Whitney Extract Co.	2065	Davis, Harry.	2020
Feeds, Schumacher special horse:		Dorsey, Theodore B.	2043
Matthews, George B., & Son.	2077	Febus, Steve.	2022
Quaker Oats Co.	2077	Fischer, Edward H.	2042
Figs:		Foote, Roger.	2024
Ohio Bkg. Co.	2087	Fox, Jacob.	2023
Fish. (<i>See</i> Flat lake fish; Herring; White fish.)		Frink, John.	2021
Flat lake fish:		Froelke, Edward W.	2040
Maull, Louis, Cheese & Fish Co.	2063	Gineritaman, Michael.	2015
Flavor. (<i>See</i> Extract.)		Gitlin, Abraham.	2025
Fruit juice:		Gitlin, Samuel.	2026
Daggett, F. L., Co.	2071	Goldstein, Samuel.	2027

¹ For index to Notices of Judgment 1-1000, see Notice of Judgment 1000; 1001-2000, see Notice of Judgment 2000; future indexes to be supplementary thereto.

FOODS—Continued.

Milk—Continued.	N. J. No.	Peas:	N. J. No.
Greenberg, Nathan.....	2017	Kokomo Canning Co.....	2074
Grey, James B.....	2016	Thorndike & Hix.....	2050
Huer, H. W.....	2044	Peerless cigars (candy):	
Johnson, R. F.....	2039	Ziegler, George, Co.....	2099
Kenyon, C. H.....	2028	Pepper:	
Kierle, Frank.....	2045	Arbuckle Bros.....	2078
Konaszewski, Katherine.....	2029	Frank, Charles.....	2098 (suppl. to 835)
Lamb, William S.....	2034	Frank, Emil.....	2098 (suppl. to 835)
Larkham, George E.....	2037	Frank, Jacob.....	2098 (suppl. to 835)
Levine, Jacob.....	2036	Jewett Bros. & Jewett.....	2078
Litchnik, Harry.....	2035	Peppermint extract. (<i>See</i> Extract, pepper-mint.)	
Maine, Chester S.....	2030	Polar bear brand sirup:	
Minsk, H.....	2032	Bliss Syrup Refining Co.....	2085
Minsk, J.....	2033	Raspberry jelly. (<i>See</i> Jelly, Raspberry.)	
Murray, Patrick.....	2031	Rice:	
Partelo, F. Mason.....	2013	Talmage, John S., Co. (Ltd.).....	2097
Rattner, Lemuel.....	2012	Schumacher special horse feed:	
Reader, Frederick G.....	2038	Matthews, George B., & Son.....	2077
St. Louis Dairy Co.....	2051	Quaker Oats Co.....	2077
Sekinsky, Isaac.....	2010	Sirup, Pancake brand:	
Selzer, L.....	2009	Bliss Syrup Refining Co.....	2085
Soloway, Harry.....	2011	Sirup, Polar bear brand:	
Thompson, J. E.....	2007	Bliss Syrup Refining Co.....	2085
Tyler, Charles E.....	2092	Sirup, Sorghum:	
Wikle, Michael A.....	2068	Scully, D. B., Syrup Co.....	2080
Wilson, William I.....	2041	Sorghum sirup. (<i>See</i> Sirup, Sorghum.)	
Winstein, Samuel.....	2008	Strawberry jelly. (<i>See</i> Jelly, Strawberry.)	
Milk, Evaporated:		Sunshine Suffolk biscuit (arrowroot):	
Richardson, Beebe Co.....	2064	Loose-Wiles Biscuit Co.....	2053
Mincemeat:		Tomato ketchup:	
Marvin, W. H., Co.....	2069	Flaccus, E. C., Co.....	2049
Oil, Olive. (<i>See</i> Olive oil.)		Tomatoes:	
Olive oil:		Roberts Bros.....	2067
DeFeo, Mike.....	2048	Vanilla extract. (<i>See</i> Extract, Vanilla.)	
Derosa, Luigi.....	2046	Vanilla jelly. (<i>See</i> Jelly, Vanilla.)	
Guzzetto Bros.....	2081	Vinegar:	
Orange extract. (<i>See</i> Extract, Orange.)		Haarmann Vinegar & Pickle Co.....	2093
Orange jelly. (<i>See</i> Jelly, Orange.)		Henning, William, Co.....	2083
Oysters:		Schloss Crockery Co.....	2061
Lowden, George W., Co.....	2095	White fish:	
Pancake brand sirup:		Maull, Louis, Cheese & Fish Co.....	2063
Bliss Syrup Refining Co.....	2085	Wild cherry jelly. (<i>See</i> Jelly, Cherry, Wild.)	
Peach jelly. (<i>See</i> Jelly, Peach.)			

BEVERAGES.

Apricot cordial. (<i>See</i> Cordial, Apricot.)		Flowers, Fruits and, cordial. (<i>See</i> Cordial, Fruits and flowers.)	
Beer:		Fruits and flowers cordial. (<i>See</i> Cordial, Fruits and flowers.)	
Monumental Brewing Co.....	2073	Grape juice:	
Blackberry cordial. (<i>See</i> Cordial, Blackberry.)		Clarke, W. E., Co.....	2054
Brandy, Peach:		Fredonia Wine Co.....	2054
Moyse Bros.....	2066	Wilbur, Henry T.....	2054
Burgundy wine. (<i>See</i> Wine, Burgundy.)		Wilbur, Katherine C.....	2054
Chicory:		Peach brandy. (<i>See</i> Brandy, Peach.)	
Muller, E. B., & Co.....	2058	Sirup, Tamarind:	
Claret wine. (<i>See</i> Wine, Claret.)		Finora & Co.....	2052
Cordial, Apricot:		Tamarind sirup. (<i>See</i> Sirup, Tamarind.)	
Bastheim, A.....	2089	Wine, Burgundy:	
Fisher, F. V.....	2088	Schlesinger & Bender (Inc).....	2096
Gottstein, M. & K.....	2089	Wine, Claret:	
Cordial, Blackberry:		French-American Wine Co.....	2088
Hollander, Frances.....	2060		
Cordial, Fruits and flowers:			
Weideman Co.....	2094		

DRUGS.

Belladonna leaves:	N. J. No.	Hamburg stomach bitters:	N. J. No.
Murray & Nickell Mfg. Co.....	2091	Weideman Co.....	2094
(Bitters) Fernet-L-Branca:		Nitroglycerin tablets:	
Cordial-Panna Co.....	2075	Milliken, John T., & Co.....	2059
Bitters, Hamburg stomach:		Oil of cassia:	
Weideman Co.....	2094	Rockhill & Vietor.....	2072
Blackberry flavored juice:		Vietor, Carl L.....	2072
Mihalovitch Co.....	2056	Stomach bitters, Hamburg:	
Cassia, Oil of:		Weideman Co.....	2094
Rockhill & Vietor.....	2072	Stramonium leaves:	
Vietor, Carl L.....	2072	Murray & Nickell Mfg. Co.....	2090
Fernet-L-Branca (bitters):			
Cordial-Panna Co.....	2075		

2100



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2101.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED OLIVE OIL.

On June 11, 1912, the United States Attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one barrel of so-called olive oil, remaining unsold in the original unbroken packages, at Providence, R. I., alleging that the product had been shipped from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "11 B. L., New York, Geremia Brothers, Providence, R. I." Product was invoiced "1 Bar. Olive Oil."

Adulteration of the product was alleged in the libel for the reason that it was invoiced and described in documents connected with the shipment thereof, as "1 Bar. Olive Oil" and purported by said invoice and documents to be pure olive oil, but a certain substance, to wit, cottonseed oil, had been substituted in part in said oil for pure olive oil. Misbranding was alleged for the reason that the invoice and documents accompanying the shipment and describing the product represented it to be pure olive oil, but in truth and in fact it was not pure olive oil, but was composed chiefly and for the most part of cottonseed oil.

Thereafter, during the month of August, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be sold by the United States marshal after relabeling, or in the event it could not be sold, that it should be destroyed by said marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 12, 1912.

71579°—No. 2101—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2102.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED OLIVE OIL.

On June 11, 1912, the United States Attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of two cases of so-called olive oil, remaining unsold and in the original unbroken packages at Providence, R. I., alleging that the product had been shipped on or about March 28, 1912, from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Tripoli Brand Olio Puro Italiano Di Oliva."

Adulteration of the product was alleged in the libel for the reason that it was labeled "Tripoli Brand Olio Puro Italiano Di Oliva," and purported by said label to be pure olive oil, but a certain substance, to wit, cottonseed oil, had been substituted in part in said oil for pure olive oil. Misbranding was alleged for the reason that the product bore a label and designation as set forth above, to wit, that said product purported to be pure olive oil, but in truth and in fact it was not pure olive oil, but was composed in the proportion, approximately, of 50 per cent cottonseed oil, and 50 per cent olive oil or other oils. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead a purchaser in that the product bore the statement that it was pure olive oil, which statement was false and misleading in the particulars aforesaid.

Thereafter, during the month of August, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding the product misbranded. It was further ordered that the product should be relabeled and sold by the United States marshal, or if it could not be sold, that it be destroyed by said marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 12, 1912.

71579°—No. 2102—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2103.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

At the November, 1908, term of the District Court of the United States for the Eastern District of Virginia the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against the Haynor Manufacturing Co. (Inc.), Norfolk, Va., alleging shipment by said company, in violation of the Food and Drugs Act, on July 27, 1907, from the State of Virginia into the State of North Carolina, of a quantity of lemon extract which was adulterated and misbranded. The product was labeled: "Extract Lemon. The Haynor Mfg. Co., Norfolk, Va., New York, Chicago, &c."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity, 0.9364; alcohol by volume 48.2 per cent; lemon oil, absent; citral, trace only; artificial coloring matter present. Adulteration of the product was alleged in the indictment for the reason that a substance containing no lemon oil had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and a substance containing no lemon oil had been substituted in part for the product and was colored in a manner whereby inferiority was concealed. Misbranding was charged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Extract lemon," when in truth and in fact it contained no lemon oil, and for the further reason that it was shipped and consigned in a package marked "soap," and was adulterated in that it contained no lemon oil but in lieu thereof a foreign substance, and that it was artificially colored and was misbranded in that it had been falsely labeled "Extract lemon."

On June 16, 1909, the defendant company entered a plea of guilty to the indictment and the court imposed a fine of \$50, without costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 12, 1912.

71579°—No. 2103—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2104.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SALAD DRESSING AND MEAT SAUCE.

On July 31, 1911, the United States Attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the Circuit Court of the United States for said district an information against Eugene W. Durkee and James M. French, copartners, doing business under the firm name of E. R. Durkee & Co., alleging shipment by them, in violation of the Food and Drugs Act—

(1) On or about November 9, 1910, from the State of New York into the State of Louisiana of a quantity of salad dressing and meat sauce which was misbranded. The product was labeled: "Durkee's Salad Dressing and Meat Sauce. E. R. Durkee & Co., New York. A rich, wholesome and delicious mayonnaise dressing for lobster, chicken and all other salads. Prepared with great care and only from the purest and choicest condiments obtainable. None genuine without trade mark and signature of E. R. Durkee & Co. 16 oz. net weight. Does not contain now and never has contained any preservative of any sort."

Examination of samples of the product by the Bureau of Chemistry of this Department showed the following results: By weighing 8 bottles of the sample, that the average net weight of dressing in them was 15 $\frac{1}{2}$ ounces. None contained over 16 ounces, 2 contained 16 ounces, and 6 contained less than 16 ounces. By measuring the portion of the bottle filled by the dressing, it was found that the average volume of dressing in the 8 bottles was 15.13 ounces (liquid), each of the 8 bottles containing less than 16 liquid ounces.

(2) On or about May 2, 1910, from the State of New York into the State of Alabama of a quantity of salad dressing and meat sauce which was misbranded. The product was labeled: "Durkee's Salad Dressing and Meat Sauce. Does not contain now and never has contained any preservative of any sort. 16 oz. net weight. E. R. Durkee & Co., New York, U. S. Serial No. 5061."

Examination of samples of this product by the Bureau of Chemistry of this Department showed the following results:

	Grams.
Secretary's sample:	
Gross.....	865
Tare.....	431
	<hr/>
Net.....	434
Shortage, 4.31 per cent.	<hr/>
Dealer's sample:	
Gross.....	912
Tare.....	491
	<hr/>
Net.....	421
Shortage, 7.18 per cent.	<hr/>
Analyst's sample:	
Gross.....	889
Tare.....	444
	<hr/>
Net.....	445
Shortage, 1.89 per cent.	

Misbranding of both shipments of the product was alleged in the information for the reason that it was in package form and was labeled as set forth above so as to deceive and mislead the purchaser or purchasers thereof, in that the package, container, and label of the product bore a statement regarding it and the ingredients and substances contained therein which was false and misleading, in that its contents were stated to be of the weight of 16 ounces, whereas in fact said contents were of less weight than 16 ounces.

On October 14, 1912, the defendants entered a plea of guilty to the information and the court imposed a fine of \$100 on account of the first shipment and a fine of \$50 on account of the second shipment referred to above.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 12, 1912.

2104



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2105.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF EVAPORATED EGGS.

On July 27, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles H. Weaver, Charles A. Weaver, and L. Bernard Kilbourne, copartners doing business as C. H. Weaver & Co., Chicago, Ill., alleging shipment by them, in violation of the Food and Drugs Act, on or about February 1, 1910, from the State of Illinois into the State of New York, of a quantity of evaporated eggs which were adulterated. The product was labeled: "Bruce & West Mfg. Co., Syracuse, N. Y."

Bacteriological examination of a sample of the product by the Bureau of Chemistry of this Department showed the presence of an excessive number of organisms, including members of the *B. coli* group, in sufficient numbers to render the product unfit for human consumption. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 25, 1912, defendants entered pleas of guilty to the information and the court imposed a fine of \$50 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 13, 1912.

71579°—No. 2105—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2106.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF DR. BENNETT'S WONDER OIL.

On March 13, 1911, the United States Attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against L. R. Bennett, trading as the Bennett Medicine Co., Norfolk, Va., alleging shipment by him, in violation of the Food and Drugs Act, on April 15, 1910, from the State of Virginia into the District of Columbia of a quantity of Dr. Bennett's Wonder Oil which was misbranded. The product was labeled: (Blown in bottle) "Prepared by Bennett Medicine Co., Norfolk, Va." (Label on bottle) "Dr. Bennett's Wonder Oil. Good for rheumatism, neuralgia, headache, earache, dizziness, sprains, toothache, bruises, chilblains, cuts, frosted feet, burns, sore throat, pleurisy, colic pains, catarrh, deafness, cholera morbus, diarrhoea, cramps, dysentery, scalds, etc. For external use apply freely using plenty of friction. For internal use dose 10 to 30 drops in sweetened water. For children one year old 10 to 15 drops. Address all orders to Bennett Medicine Co., Norfolk, Va."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol, 46.3 per cent by volume; petroleum ether, 0.5 per cent by weight; (from original) petroleum ether, 0.012 per cent by weight; (after acidifying) residue (nonvolatile), 0.45 per cent by weight; chloroform present; morphine present. Misbranding of the product was alleged in the information for the reason that the package containing it failed to bear a statement on the label thereof of the quantity or proportion of any alcohol, opium, and chloroform, and any derivative or preparation of such substance contained therein, as required by section 8 of the Food and Drugs Act, the said product actually containing alcohol, opium, and chloroform, and derivatives therefrom.

On June 8, 1911, the defendant entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 13, 1912.

71579°—No. 2106—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2107.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF EVAPORATED EGGS.

On July 27, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles H. Weaver, Charles A. Weaver, and L. Bernard Kilbourne, copartners, doing business as C. H. Weaver & Co., Chicago, Ill., alleging shipment by them, in violation of the Food and Drugs Act, on February 17, 1910, from the State of Illinois into the State of New York of a quantity of evaporated eggs which were adulterated. The product was labeled: "Holtaling-Warner Co., Syracuse, N. Y."

Examination of a sample of the product by the Bureau of Chemistry of this Department showed the presence of an excessive number of organisms, including members of the *B. coli* group and streptococci, in sufficient numbers which indicated that the product consisted wholly or in part of a filthy, decomposed, or putrid substance. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 25, 1912, defendants entered pleas of guilty to the information and the court imposed a fine of \$50 with costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 13, 1912.

71579°—No. 2107—13

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2108.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF LEMON FLAVOR.

On October 12, 1911, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the McNeil & Higgins Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on August 2, 1910, from the State of Illinois into the State of Indiana, of a quantity of Crescent Terpeneless Lemon Flavor, which was adulterated and misbranded. The product was labeled: "Crescent Terpeneless Lemon Flavor Colored, Manufactured by McNeil & Higgins Co., Chicago."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Specific gravity, 15.6° C./15.6° C., 0.98166; alcohol, per cent by volume, 15.04; methyl alcohol, per cent by volume, none; alcohol, per cent by calculation from specific gravity, 14.50; oil, per cent by volume, (a) by polarization, none, (b) by precipitation, none; citral, per cent by weight, very small trace; artificial color, coal-tar dye, naphthol yellow S. Adulteration of the product was alleged in the information for the reason that a dilute solution of alcohol, containing little or no flavoring material, had been mixed with the product so as to reduce its quality and strength as a terpeneless lemon flavor, and for the further reason that oil derived from the skins of lemons, or oil of lemon, in measurable quantities is an essential ingredient of terpeneless lemon flavor, whereas a dilute solution of alcohol had been substituted for said oil derived from the skins of lemons, or oil of lemon, in the product. Adulteration was alleged for the further reason that the product was colored with naphthol yellow S in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the product bore a certain label purporting to state that it was a true terpeneless lemon flavor, as set forth above, which said statement or label was false and misleading, in that oil derived from the skins of lemons, or oil of lemon, in measurable quantities, is an essen-

tial ingredient of terpeneless lemon flavor, whereas the product was not a terpeneless lemon flavor, in that it did not contain oil derived from skins of lemons, or oil of lemon, in measurable quantities.

On October 5, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25, with costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 13, 1912.*

2108



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2109.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF TURPENTINE.

On June 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the United States Turpentine & Linseed Oil Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on July 21, 1910, from the State of New York into the State of Massachusetts, of a quantity of turpentine which was adulterated and misbranded. The product was labeled: "Pure spirits of turpentine C. T. Company 23-6-21 N. Y. Y. Co. Tampa * * * H. & J. Brewer Co., Springfield, Mass. Shipped and invoiced by the United States Turpentine and Linseed Oil Company, 142-4 Front Street, New York, N. Y."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity of turpentine at 20° C., 0.8613; refractive index of turpentine at 20° C., 1.4682; color of turpentine in mm, 80; odor of turpentine, turpentine; polymerization residue in per cent, 8.4; refractive index of residue at 20° C., 1.4715; consistency of residue, clear and limpid. Adulteration of the product was alleged in the information for the reason that it was sold under the professed standard and quality of pure spirits of turpentine, whereas in truth and in fact its strength and purity fell below said professed standard under which it was sold, in that it was not pure spirits of turpentine, but was a mixture of spirits of turpentine and mineral oil. Misbranding was alleged for the reason that the label, set forth above, regarding the product and the ingredients contained therein was false and misleading, in that said product was not pure spirits of turpentine, but was a mixture of spirits of turpentine and mineral oil.

On October 16, 1912, the defendant company entered a plea of guilty to the information and the court suspended sentence.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 13, 1912.

71579°—No. 2109--13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2110.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF EVAPORATED EGGS.

On July 27, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles H. Weaver, Charles A. Weaver, and L. Bernard Kilbourne, copartners doing business as C. H. Weaver & Co., Chicago, Ill., alleging shipment by them, in violation of the Food and Drugs Act, on February 24, 1910, from the State of Illinois into the State of New York of a quantity of evaporated eggs which were adulterated. The product was labeled: "Bruce & West Mfg. Co., Syracuse, N. Y."

Bacteriological examination of a sample of the product by the Bureau of Chemistry of this Department showed upon the average of three samples, 118,000,000 bacteria per gram, at 25° C., after four days. There were also present 1,000,000 organisms of the *B. coli* group per gram. The excessive number of organisms and the excessive number of *B. coli* present showed that the product was composed wholly or in part of a filthy, decomposed substance. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 25, 1912, defendants entered pleas of guilty to the information and the court imposed a fine of \$50, with costs.

W. M. HAYS,
Acting Secretary of Agriculture

WASHINGTON, D. C., December 13, 1912.

71579°—No. 2110—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2111.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OYSTERS.

On December 7, 1911, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against William Twilley, St. Georges Island, Md., alleging that said defendant, on October 6, 1910, at the District aforesaid, sold, in violation of the Food and Drugs Act, a quantity of oysters in shells which were adulterated. The product bore no label.

Examination of samples of the product by the Bureau of Chemistry of this Department showed the presence of an excessive number of organisms and the *B. coli* group in the following: 10 out of 10 oysters in 1 cc shell liquor; 10 out of 10 oysters in 0.1 cc shell liquor; 6 out of 10 oysters in 0.01 cc shell liquor; 1 out of 10 oysters in 0.001 cc shell liquor, indicating a filthy, decomposed animal substance. Adulteration of the product was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal and vegetable substance.

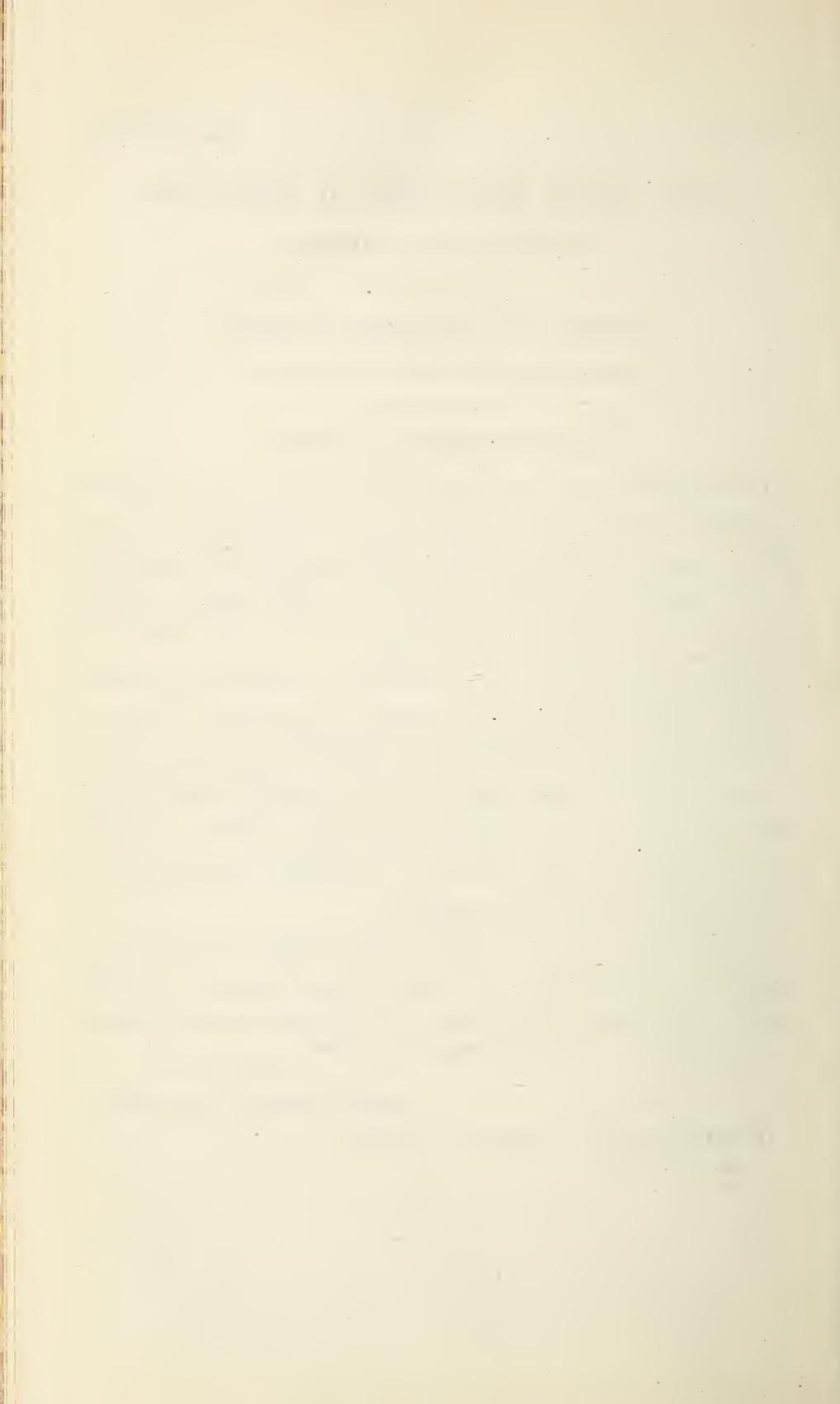
On December 7, 1911, defendant entered a plea of not guilty. On January 6, 1912, a plea to the jurisdiction of the court was filed, argued, and overruled, and the defendant was released on \$15 collateral. On July 25, 1912, defendant having failed to appear to answer to the information, said collateral was forfeited.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 13, 1912.

71575°—No. 2111—13





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2112.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF EXTRACT OF NUTMEG.

On September 25, 1911, the United States Attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the J. E. Fowler Co. (Inc.), Richmond, Va., alleging the sale by said company, under a written guaranty, on or about December 11, 1909, of a quantity of extract of nutmeg which was adulterated and misbranded in violation of the Food and Drugs Act. On December 11, 1909, the purchaser of said product, without changing it in any particular, shipped a quantity of it from the State of Virginia into the State of Mississippi. The product was labeled: "Fowler's Pure Triple Strength Extract Nutmeg. Prepared by The J. E. Fowler Company, Incorporated, Richmond, Virginia. Guaranty legend, Serial Nos. 4520 and 1209."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol, 45.7 per cent; solids, 0.33 per cent; oil of nutmeg, 0.16 per cent. Adulteration of the product was alleged in the information for the reason that a substance had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality and strength, and a substance had been substituted in part for the article, the product being a highly dilute extract containing 45.7 per cent of alcohol; solids, 0.33 per cent; and oil of nutmeg (grams per 100 cc), 0.16 per cent. Misbranding was alleged for the reason that the label and brand on the product regarding it, to wit, "Fowler's Pure Triple Strength Extract Nutmeg," was false and misleading in that the product was not of the standard strength and, therefore, not of triple strength.

On July 5, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25, with costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., December 14, 1912.



